

Internal Revenue Code Violated by San Diego Retirement Officials

Documents released by the City Attorney November 13, 2007

Attachment 1

Report: San Diego City Employees Retirement System; 415(b), (c), and (n) Compliance Strategy Report

Attachment 2

List: SDCERS Retroactive 415 Testing for VCP (2007); 102 members (Exhibit E)

Attachment 3

List: *SDCERS Retroactive 415 Testing for VCP (2007); 102 members (11/13/2007), City Attorney's Own Review

Attachment 4

Letter: IceMiller LLP, August 22, 2007: VCP Submission #911659038 for the San Diego City Employees' Retirement System; 415 Testing

Attachment 5

Letter: San Diego City Employees' Retirement System, November 7, 2007, From Roxanne Story Parks to Michael J. Aguirre; "Your Request for Public Records dated November 5, 2007"-- The names of the 29 participants who received overpayments in excess of the Code section 415(b) limits.

Attachment 6

List: City Attorney's list of 29 participants with names and departments who received overpayment in excess of the Code section 415(b) limits.

Attachment 7

Letter: San Diego City Employees' Retirement System, October 29, 2007, From Roxanne Story Parks to Michael J. Aguirre; "October 18 and October 19, 2007, Public Records Requests"

Attachment 1

**Report: San Diego City Employees Retirement System;
415(b), (c), and (n) Compliance Strategy Report**

EXHIBIT 2

**SAN DIEGO CITY EMPLOYEES
RETIREMENT SYSTEM**

415(b), (c), and (n) Compliance Strategy Report

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I. INTRODUCTION

Ice Miller LLP ("Ice Miller") has been retained to provide a compliance review with regard to the Internal Revenue Code of 1986, as amended ("Code"), requirements applicable to the status of the San Diego City Employees' Retirement System ("SDCERS") as a qualified retirement plan under Code Section 401(a).

Ice Miller is not considering tax reporting and withholding under the Code nor any other federal law. We are also not deliberating any state law issues. Where state law must be considered, we are relying on interpretations provided by SDCERS counsel.

This report pertains to Code Section 415(b) and 415(c), and to Code Section 415(n) as it is related to 415(b) and 415(c). We have touched on Code Section 415(m) only with respect to the treatment of excess benefits under Code Section 415(b). We have prepared a separate briefing document for SDCERS on the topic of 415(m).

We have based this report on the material provided to us by SDCERS. We have not independently verified what has been provided to us. We are relying on SDCERS to provide us with documents, forms, and information necessary for this review.

II. IMPORTANCE OF CODE SECTION 415 COMPLIANCE

A. SDCERS AS A QUALIFIED GOVERNMENTAL PLAN

Retaining "qualified plan" status under Code Section 401(a) is an important requirement for retirement plans. The primary advantages in retaining "qualified" status are that (i) employer contributions are not taxable to members as they are made (even when vested) and taxation only occurs when plan distributions are made, (ii) earnings and income are not taxed to the trust or the members; (iii) certain favorable tax treatments are available to members when they receive plan distributions, e.g., ability to rollover amounts; (iv) employers may "pick up" employee contributions; and (v) employer contributions to, and benefits from, the plan are never subject to employment taxes (i.e., FICA taxes). These advantages would generally not apply to a non-qualified plan.

B. CODE SECTION 415 LIMITS

One key qualification requirement applicable to qualified plans is the Code Section 415 limits. Code Section 415 benefit and contribution limits must be followed to protect the tax qualified status of a retirement plan under Code Section 401(a). These limits must be met by all plan members. If even one member is paid an annual benefit greater than Code Section 415 allows, or contributes more than Code Section 415 allows, theoretically, the entire plan will be disqualified.

C. PROPOSED REGULATIONS

On May 31, 2005, the IRS issued proposed regulations for Code Section 415 (the "Proposed Regulations"). The Proposed Regulations are mentioned below where their provisions are of particular interest or concern. However, given that it is expected that the IRS will finalize these regulations in 2006, and we anticipate some changes being made to the regulations as they move to final, we have not included an in-depth analysis of the Proposed Regulations in this overview. However, we have attached a summary of key areas addressed by the Proposed Regulations as Appendix A. Recently, the IRS issued Notice 2005-87, which states that the grandfather provisions contained in the Proposed Regulations will be expanded upon issuance of final regulations.

III. OVERVIEW OF LAW WITH RESPECT TO DEFINED BENEFIT LIMITATIONS

This Section of our Compliance Strategy Report provides an overview of the federal law with regard to Code Section 415(b). The impact of Code Section 415(b) on SDCERS and our specific recommendations for a compliance strategy are included in the next Section of this Report.

A. BASIC BENEFIT LIMITS

1. Current Limits

As amended by the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA"), the basic requirement of Code Section 415(b) is that the annual benefit in the form of a single life annuity provided to a member who is between the ages of 62 and 65 may not exceed the lesser of: (1) \$160,000 as adjusted for inflation in \$5,000 increments (the "Dollar Limit"), or (2) 100% of average compensation (the "Salary Limit"). Code Section 415(b)(1). For the 2006 calendar limitation year, the Dollar Limit is \$175,000. The Salary Limit does not apply to governmental plans such as SDCERS. Therefore, the following discussion and our methodology do not include the Salary Limit.

The Proposed Regulations would require that limits be applied on an annual basis to the accrued benefit. In Ice Miller's comment letter to the IRS with regard to the Proposed Regulations, we stated the following on this point:

We do have one overarching concern with the Proposed Regulations. They are fundamentally based on an annual accrual concept. For private sector plans this works well and is entirely consistent with the requirements and structure of Code Sections 411 and 412. However, these rules are not applicable to governmental plans, and, for most governmental plans, this concept does not work. In the governmental environment, vesting is generally determined by state law or local ordinances. In many cases, there is no "accrual" concept in the governing laws, but rather set benefits payable at certain events.

Therefore, we have prepared this compliance strategy report on the assumption that benefit testing for 415(b) purposes will be done at benefit payout.

2. Limitation Year

The annual benefit is tested in a "limitation year." Unless an election is made by the employer, the limitation year is the calendar year. Treas. Reg. § 1.415-2(b)(1). An employer that maintains more than one qualified plan may elect to use different limitation years for each such plan. Treas. Reg. § 1.415-2(b)(3).

B. TAMRA ELECTION

Section 415(b)(10) of the Code was added by the Technical and Miscellaneous Revenue Act of 1988 (sometimes called TAMRA) to offer state and local government plans a means of complying with the Section 415 limits without violating state anti-cutback laws. Under this Section, the defined benefit limit for an employee who became a participant in the plan before January 1, 1990, would not be less than his or her accrued benefit determined without regard to any plan amendment adopted after October 14, 1987. However, for a state or local government to take advantage of Section 415(b)(10), each employer maintaining the plan was required to elect, before the close of the plan year beginning in 1990, to apply the defined benefit limits applicable to private plans to employees who first became participants after 1990. However, there were also special provisions for state-wide statutory changes. For plans that made a TAMRA election, the qualified participants would still have their TAMRA protection.

C. AMOUNTS EXCLUDED FROM TESTING

For purposes of Code Section 415(b), the annual benefit means the benefit payable annually in the form of a straight life annuity (with no ancillary benefits), without considering payments made from a qualified excess benefit arrangement, after-tax employee contributions, and any rollover contributions. Code Section 415(b)(2).

1. Ancillary Benefits

"Ancillary benefits" do not count toward the benefits subject to Code Section 415. As a result, any benefit that is an ancillary benefit can exceed the 415 limits without the plan being disqualified. Generally, "ancillary benefits" are benefits not directly related to retirement income benefits. Ancillary benefits include "pre-retirement disability benefits and death benefits (such as in-service death benefits)." Code Section 415(b)(2)(B); Treas. Reg. § 1.415-3(c)(ii).

a. *Pre-Retirement Disability Benefits*

According to a non-precedential IRS Information Letter (IRS Information Letter on § 415 Limitations on Public Plans dated August 20, 1991 ("IRS Letter")) discussing Code Section 415 limitations on governmental plans, pre-retirement disability benefits under governmental plans are not taken into account under Code Section 415, even if the pre-retirement disability benefits exceed the "qualified disability benefit" limitations established in Code Section 411(a)(9). IRS Letter, § I Q&A-3; Treas. Reg. § 1.415-3(c)(ii). However, pre-retirement disability benefits are required to comply with Revenue Ruling 72-3, which prohibits a pension plan benefit from

exceeding 100% of the employee's compensation. For this purpose, the definition of the term "compensation" is similar to the definition identified in Code Section 415 and is subject to cost of living increases. Thus, there is still a test that needs to apply to pre-retirement disability benefits. Contrasted to pre-retirement disability benefits, post-retirement disability benefits must be taken into account for purposes of complying with the Code Section 415 limitations. IRS Letter, § 1 Q&A-4. Thus, (1) post-retirement disability benefits, (2) line of duty disability benefits paid post normal retirement date, and (3) pre-retirement disability benefits payable post normal retirement age will be tested under Code Section 415(b).

b. Pre-Retirement Death Benefits

Pre-retirement death benefits provided under a governmental plan are also exempt from the Code Section 415 limits. IRS Letter, § 1 Q&A-5; Treas. Reg. § 1.415-3(c)(ii). However, pre-retirement death benefits must meet the incidental benefit requirements of Code Section 401 and the regulations thereto. Generally speaking, death benefits are incidental where the plan provides a pre-retirement death benefit that is no greater than 100 times the monthly annuity benefit provided under the plan, or the cost of the death benefit does not exceed 25% of the total cost of all benefits for that participant. (This latter test would be one that would be analyzed by an actuary.) Revenue Ruling 74-307, 1974-2 C.B. 126.

2. Qualified Excess Benefit Arrangement ("QEBA")

Effective for years after December 31, 1994, state and local government employers may maintain "qualified governmental excess benefit plans" ("QEBA") under Code Section 415(m). Excess Plans are plans that provide benefits that cannot be provided under a qualified plan due to the limits on contributions and benefits. Excess Plans permit state and local government employers to provide benefits to their employees:

- (1) without jeopardizing plan qualification because of the limits on contributions and benefits under Code Section 415,
- (2) without jeopardizing a plan's status under Code Section 457 as an "eligible deferred compensation plan," and
- (3) without the income that accrues to the qualified governmental excess benefit plan being taxable to the plan's government sponsor.

As we have discussed, we will not be addressing Code Section 415(m) and QEBAs in detail in this report, but in a separate report. However, for the purposes of determining retrospective benefit testing protocols, we think that it is relevant to consider the following provision that accompanied the enactment of Code Section 415(m):

Nothing in the amendments made by this section shall be construed to imply that a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) fails to satisfy the requirements of section 415 of such Code for any taxable year beginning before January 1, 1995.

P.L. 104-188. § 1444(c)(2). Under this grandfather section, retroactive testing for plan qualification purposes does not need to consider payments made prior to January 1, 1995.

3. Allocation of Benefits to After-Tax Employee Contributions

Contributions made on an after-tax basis to a defined benefit plan are deemed to be annual additions and subject to Code Section 415(c) limits (discussed below in more detail). Therefore, because the benefits have already been tested under Code Section 415(c), any portion of a defined benefit attributable to those after-tax contributions may be subtracted from the annual benefit before it is tested under Code Section 415(b). However, it is important to note that benefits that would be attributable to excess 415(c) contributions would not be "subtracted" from the annual benefit for 415(b) testing purposes.

a. Mandatory Employee Contributions

Treas. Reg. Section 1.415-3(d)(1) provides that the annual benefit attributable to mandatory contributions is determined by using the factors described in Code Section 411(c)(2)(B) "regardless of whether Section 411 applies to that plan." Regulations under Treas. Reg. Section 1.411(c)-1(c) establish the required method for allocating a portion of the defined benefit to the after-tax employee contributions for purposes of excluding this amount from the final annual benefit to be tested. The method requires calculation of the after-tax (not picked up) employee contributions (both mandatory employee contributions and any voluntary after-tax payments for service purchases unless tested under Code Section 415(n)), plus interest, at rates specified by the regulations. See Treas. Reg. § 1.411(c)-1(c). Generally, interest is computed at the rate provided by the plan until the last plan year before Code Section 411(a)(2) does not apply. Id. Thereafter, a plan should use a 5% interest rate factor.

Because governmental plans are exempt from Code Section 411, it is not clear how to apply this guidance to a governmental plan to which Section 411(a)(2) never applies. The Proposed Regulations provide that Code Section 411 should apply to this calculation even if the section is not applicable to the plan. Ice Miller commented on this point as follows:

Because governmental plans are always exempt from Code Section 411, it is not clear how to apply this guidance to a governmental plan to which Section 411(a)(2) never applies. We have not located any IRS guidance on point. A literal reading suggests that, since Code Section 411(a)(2) never will apply to a governmental plan, actual plan assumptions should continue to be applied. We think that this reading is the best approach in the governmental plan context.

b. Voluntary After-Tax Contributions

The rules governing mandatory employee after-tax contributions are also applicable to voluntary after-tax contributions. Treas. Reg. § 1.415-3(d)(3). However, a special category of voluntary after-tax employee contributions – for permissive service credit purchases – is discussed below.

4. Employee After-Tax Contributions for Permissive Service Credit

Code Section 415(n) establishes a limitation structure for "permissive service credit" purchases, instead of relying on the existing Code Section 415(c) defined contribution limitations. This subsection allows Code Section 415 to be satisfied by a purchase of permissive service credit if either a modified 415(b) limit is met or a modified 415(c) limit is met. These limits can be applied on a participant-by-participant basis rather than choosing to apply the limit on a plan-wide basis. For example, some participants could satisfy the modified defined benefit limit when making a purchase of permissive service credit, while others could satisfy the modified defined contribution limit.

a. Modified 415(b) Limit

For purposes of Code Section 415(n), the defined benefit limit in Code Section 415(b) may be met by treating the accrued benefit derived from all permissive service credit as part of the member's annual benefit. Code Section 415(n)(2)(A) provides that, where the dollar limit under 415(b) is reduced for retirement before age 62, "the plan shall not fail to meet the reduced dollar limit under Subsection (b)(2)(C) [the age-reduced dollar limit] solely by reason of this subsection." Thus, the plan will not fail to meet the age-reduced dollar limit solely because the accrued benefit derived from the permissive service credit purchase is included in the 415(b) test.

b. Modified 415(c) Limit

For purposes of Code Section, only the dollar limit under Code Section 415(c) applies (\$40,000 (adjusted for inflation to \$42,000 for 2005 and \$44,000 for 2006)) by treating all permissive service contributions as an annual addition under that limit.

c. Definition of Permissive Service Credit

The special testing rules apply only if the service being purchased qualifies as permissive service credit. Code Section 415(n)(3) defines "permissive service credit" as follows:

(3) PERMISSIVE SERVICE CREDIT.—For purposes of this subsection—

(A) IN GENERAL.—The term "permissive service credit" means service credit—

(i) recognized by the governmental plan for purposes of calculating a participant's benefit under the plan,

(ii) which such participant has not received under such governmental plan, and

(iii) which such participant may receive only by making a voluntary additional contribution, in an amount determined under such governmental plan, which does not exceed the amount necessary to fund the benefit attributable to such service credit.

Code Section 415(n)(3)(A). The proper interpretation of the Code Section 415(n) definition of permissive service credit is not a settled term. The Proposed Regulations do not address 415(n) issues. However, in private letter rulings, the IRS has taken the position that a benefit enhancement purchase (buying a higher multiplier on service a member already has in a plan) is not permissive service credit, because it would be a purchase for service in a plan under which the member has already received credit for that service. See PLR 200229051. Further, it is the IRS's position that permissive service credit must be related to an actual period of service or employment.

d. Nonqualified and Qualified Permissive Service

Permissive service credit can be categorized into two types. First, the Code defines "non-qualified service" as all permissive service that does not fall within one of the itemized types listed in Code Section 415(n)(3)(C). Although the Code does not use this term, we have termed the types of service included in this list as "qualified permissive service."

Code Section 415(n)(3)(C) defines "nonqualified service" as all permissive service except for the following types of service (which we have designated "qualified permissive service"):

- Service (including parental, medical, sabbatical, and similar leave) for the US government, any state or political subdivision thereof, or any agency or instrumentality of any of the foregoing.
- Service (including parental, medical, sabbatical, and similar leave) for an educational organization which is a public, private, or sectarian school which provides elementary or secondary education (through grade 12) as determined under state laws.
- Service for an association of employees of the U.S., state or political subdivision thereof, or an agency or instrumentality of the foregoing.
- Military service (non-USERRA covered) recognized by the governmental plan.

However, service under the first three (3) points above will be nonqualified service if recognition of the service would cause the member to receive a retirement benefit for the same service under more than one plan. Code Section 415(n) does not permit a plan to take more than five (5) years of nonqualified service into account, or to give members credit for any nonqualified service before the member has at least five (5) years of participation in the plan. Code Section 415(n)(3)(B).

It is important to note that "nonqualified service" is still one type of permissive service that is described in Section 415(n)(3)(A). Therefore, nonqualified service is available for purchase and may be tested under Code Section 415(n) special testing provisions.

e. Effective Dates

The service purchase testing provisions for permissive service credit under Code Section 415(n) are subject to a transition rule. The transition rule provides that the defined contribution

limits of Code Section 415(c) will not be used to reduce the amount of permissive service credit an "eligible participant" can purchase below what they were allowed to purchase under the terms of the plan as in effect on the enactment date, August 5, 1997. An "eligible participant" is an individual who first becomes a participant in the plan before the first plan year beginning after the last day of the calendar year in which the next regular session (following the date of enactment) of the governing body with authority to amend the plan ends.

Because the term "permissive service" is used in the grandfather provision, we believe that the IRS would apply a consistent definition of permissive service credit to the transition rule. As a result, the transition provision could permit greater purchases of nonqualified service and could permit permissive service purchases that exceed 415(c) and (b) limits, but would not extend to the purchase of service that did not meet the definition of permissive service credit.

5. Picked-Up Contributions

It is important to note that pre-tax contributions ("picked-up contributions"), whether mandatory or voluntary, are not treated as post-tax contributions. The benefit attributable to picked-up contributions is subject to 415(b) testing.

a. Code Section 414(h)

For governmental plans, "where the contributions of employing units are designated as employee contributions but where any employing unit picks up the contributions, the contributions so picked up shall be treated as employer contributions." Code Section 414(h)(2). Consequently, if a governmental employer correctly picks up employee contributions, such contributions will no longer be included in the employee's gross income, nor will they be subject to income tax withholdings. Treas. Reg. § 1.402(a)-1; Rev. Rul. 77-462, 1977-2 C.B. 358. However, such contributions may be treated as employee contributions for all other purposes, including calculating benefits, state taxes, cost of living increases, salary increases, and bonuses. GCM 39540; PLR 8630073.¹ In addition, certain pick-up contributions are taken into account as "wages" for FICA purposes. Code Section 3121(v)(1)(B). The only way to obtain confirmation that the IRS approves of a pick-up is through a private letter ruling.

Revenue rulings have established the following requirements for an effective pick-up:

- The employer must specify that the contributions, although designated as employee contributions, are being paid by the employer in lieu of contributions by the employee;
- The employee must not be given the option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the pension plan; and
- The pick-up is not effective prior to the last action required to be taken by the employer and/or the employee.

¹ It is important to note that private letter rulings do not have precedential value for other taxpayers.

Rev. Rul. 81-35; Rev. Rul. 81-36; and Rev. Rul. 87-10.

b. Pick-ups of Service Purchases under Governmental Plans

The IRS has approved the use of pick-ups for contributions to purchase service credit under governmental plans that have sought private letter rulings. In order to meet the requirements for an effective pick-up of an employee's service purchase, the above requirements for a pick-up must be met plus the following:

- The employee must elect to have the contributions for the service purchase made pursuant to a binding and irrevocable payroll reduction authorization.
- The payroll authorization specifies the amount by which the employee's compensation will be reduced in order to purchase the service credit and the duration of the authorization.
- The authorization cannot be revoked, except in limited circumstances involving termination of employment or death of the employee.

The most recent IRS rulings on service purchase pick-ups have included the following limitation language:

This ruling is based on the conditions that (1) a participant who elects to purchase a particular type of service credit may not make more than one irrevocable election to purchase that type of service credit; and (2) a participant may make more than one irrevocable election to purchase service credit provided any subsequent election is for the purchase of a different type of service credit, is irrevocable, and does not alter or amend the terms and conditions of any prior election to purchase service credit.

PLR 200410025 (March 3, 2004); PLR 200347020 (November 7, 2003).

6. Amounts Attributable to Rollovers

Rollovers to a defined benefit plan are treated similarly to employee contributions for purposes of 415(b) testing:

If the benefit under the plan is payable in any form other than the form described in subparagraph (A), or if the employees contribute to the plan or make rollover contributions (as defined in sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3), and 457(e)(16), the determinations as to whether the limitation described in paragraph (1) has been satisfied shall be made, in accordance with regulations prescribed by the Secretary, by adjusting such benefit so that it is equivalent to the benefit described in subparagraph (A).

Code Section 415(b)(2)(B). This provision was amended by EGTRRA and is not reflected in the current rules. However, the Proposed Regulations treat rollovers in a manner similar to after-tax

contributions, so that the benefit attributable to the rollover must be converted in accordance with prescribed factors.

7. Amounts Attributable to Transfers between Qualified Plans

Under the current regulations, amounts attributable to a transfer from a qualified plan (a plan under Code Section 401(a)) are not included for 415(b) testing purposes. Treas. Reg. § 1.415-3(d)(1). See PLR 200347020 (Favorable ruling to make transfers from state defined contribution plan to defined benefit plan to purchase service); PLR 200345042 (Favorable ruling to make transfers from state defined contribution plan to defined benefit plan to purchase service); PLR 200335035 (Favorable ruling to make elective transfer from grandfathered 401(k) to defined benefit plan of amount necessary to buy service credit; transferred amounts held separately).

However, under the Proposed Regulations, transfers between defined benefit plans that must be aggregated are included for 415(b) testing purposes. Prop. Treas. Reg. § 1.415(b)-1(b)(3)(i)(A). But see PLR 200411046 (Favorable ruling approving elections to participate in defined contribution, defined benefit or hybrid plan with plan-to-plan transfers available at member's option on initial election; transfer available on subsequent elections to buy service credit with certain transferred amounts.)

8. Plan-to-Plan Transfers from a 457(b) or 403(b) Plan

There is an open question as to whether transfers made from 457(b) and 403(b) plans could also be excluded. Currently, federal regulations limit this exclusion to transfers from qualified plans. However, Code Sections 403(b)(13) and 457(e)(17) permit a direct trustee-to-trustee transfer of amounts from a 403(b) annuity or a 457 deferred compensation plan to a governmental defined benefit plan to purchase permissive service credit (either qualified or non-qualified) as defined in Code Section 415(n)(3)(A) and to repay contributions and earnings with respect to a previous forfeiture of service credit as defined in Code Section 415(k)(3). The final Treasury Regulations for 457 plans make it clear that the IRS believes that the term "permissive service credit" for purposes of Code Section 457(e)(17) must be defined consistently with Code Section 415(n), although the limiting provisions of 415(n) do not have to be applied. In addition, the preamble to the Final Regulations raises another issue:

... Treasury and the IRS have concluded that section 415(n) does not apply to such a transfer in any case in which the actuarial value of the benefit increase that results from the transfer does not exceed the amount transferred.

68 F.R. 41232. The meaning of this comment is not clear and because the Proposed Regulations do not address Code Section 415(n), we do not currently have any guidance from the IRS as to whether a plan-to-plan transfer from a 457(b) or 403(b) plan to a qualified plan should be governed by the same rules as a plan-to-plan transfer from a qualified plan.

9. Restoration of Contributions

Code Section 415(k)(3) provides that any repayment of contributions (including interest) will not be taken into account for Code Section 415 purposes if the repayment is to a

governmental plan with respect to an amount previously refunded on a forfeiture of service credit under that plan or any other governmental plan maintained by the state or any local governmental employer within the same state. Thus, so long as the amount repaid does not exceed the amount refunded, plus interest, Code Section 415 should not apply. However, it is important to note that the Proposed Regulations do not agree with this interpretation, but rather treat the benefit attributable to the repayment as includible for 415(b) testing purposes. Prop. Treas. Reg. § 1.415(b)-1(b)(2)(ii).

D. AGE-BASED ADJUSTMENT TO LIMITS

I. Benefits Before Age 62

When the benefit begins before the participant reaches age 62, the Dollar Limit benefit limit generally must be actuarially adjusted so that the limit (as reduced) equals an annual benefit that is payable when the retirement benefit begins, and which is the equivalent of the Dollar Limit beginning at age 62. Code Section 415(b)(2)(C). The actuarial adjustments must be made in accordance with Code Section 415(b)(2)(E). Pre-EGTRRA, Code Section 415(b)(2)(F) limited the actuarial reduction for governmental plans to a \$75,000 benefit payable at age 55 or, if the benefit began before age 55, the actuarial equivalent of a \$75,000 benefit beginning at age 55.

a. *Exception for Public Safety and Military*

However, no age-based actuarial reduction is required for benefits beginning prior to age 62 for qualified participants. A qualified participant is defined as a participant:

- (i) in a defined benefit plan which is maintained by a State or political subdivision thereof,
- (ii) with respect to whom the period of service taken into account in determining the amount of the benefit under such defined benefit plan includes at least 15 years of service of the participant –

(I) as a full-time employee of any police department or fire department which is organized and operated by the State or political subdivision maintaining such defined benefit plan to provide police protection, firefighting services, or emergency medical services for any area within the jurisdiction of such State or political subdivision, or

(II) as a member of the Armed Forces of the United States.

Code Section 415(b)(2)(G)-(H). The interpretation of this provision has caused some concern among public pension plans. For example, it was not entirely clear whether the qualified participant had to be a sworn officer of a police department or whether any employee of a police department would be covered by this provision. The Proposed Regulations offer some increased flexibility for a "qualified participant," which is defined as:

a participant in a defined benefit plan that is maintained by a state or local government with respect to whom the service taken into account in determining the amount of the benefit under the defined benefit plan includes at least 15 years of service of the participant ...[a]s a full-time employee of any police department or fire department that is organized and operated by the state or political subdivision maintaining such defined benefit plan to provide police protection, firefighting services, or emergency medical services for any area within the jurisdiction of such state or political subdivision.

Preamble to the Proposed Regulations. The proposed regulations would clarify that the application of this rule depends on whether the employer is a police department or fire department of the state or political subdivision, rather than on the job classification of the individual participant.

This exception is very beneficial to public safety officers and to other employees of police and fire departments, including non-public safety personnel. However, this definition does not cover employees who exercise police powers on behalf of a public agency but who are not employed by an agency that is called a "police department" (such as a Public Safety Department or Emergency Services Authority). An additional difficult situation arises with regard to emergency services personnel who are employed by an agency that is not called a "fire department" or "police department" but who are performing emergency medical services within the local government's jurisdiction. It remains to be seen whether the IRS will provide for further flexibility.

b. Exception for Disability and Death Benefits

In addition, the actuarial reduction for benefits beginning before age 62 does not apply to disability benefits or survivor benefits payable in the event of the death of the member provided under a governmental plan. Code Section 415(b)(2)(I).

c. Exception for Permissive Service Credit Procedures

A purchase of permissive service credit may be tested under Code Section 415(b) without regard to the reduction for early retirement.

2. Benefits After Age 65

For all members, if the retirement benefit under the plan begins after age 65, the Dollar Limit is increased so that it is the actuarial equivalent to an annual benefit beginning at age 65. Code Section 415(b)(2)(D). The actuarial assumptions used to make this conversion are set forth in Code Section 415(b)(2)(E).

E. ADDITIONAL SPECIAL RULES

1. Small Benefits

Code Section 415(b) has a number of additional special rules that may impact governmental employers. Code Section 415(b)(4) provides that defined benefit limits will not be

applied to reduce a participant's benefits when total annual benefits are \$10,000 or less. However, this limitation only applies "if the employer has not at any time maintained a defined contribution plan in which the employee has participated." Code Section 415(b)(4)(B).

2. Less than 10 Years of Participation

When an employee has less than ten years of participation in a defined benefit plan, the basic Code Section 415(b) Dollar Limit (or the minimum \$10,000 exemption from testing) is reduced by 10% for each year less than ten in which the employee participated in the defined benefit plan for other than death and disability benefits (but not below 1/10th of the Dollar Limit). Code Section 415(b)(5) and Treas. Reg. § 1.415-3(g).

F. OPTIONAL FORMS OF BENEFITS

Benefits in a form other than a straight life annuity must be actuarially adjusted to a straight life annuity beginning at the same age in accordance with the otherwise applicable rules. For example, annuity benefit forms including a post-retirement death benefit or an annuity providing for a guaranteed number of payments must be adjusted for purpose of applying the Code Section 415(b) limit. See Treas. Reg. § 1.415-3(c)(1)(ii). No adjustment is required for certain benefits, including the actuarial value of a qualified joint and survivor annuity ("QJSA") that is fully or partially subsidized, the value of benefits not directly related to retirement benefits, and certain cost of living increases. See Treas. Reg. § 1.415-3(c)(2).

Code Section 415(b)(2)(E)(i) provides that "for purposes of adjusting any limit under subparagraph (C) [adjustment to dollar limit before age 62] and ... for purposes of adjusting any benefit under subparagraph (B) [adjustment for other forms of benefits], the interest rate assumption shall not be less than the greater of 5% or the rate specified in the plan."² With respect to adjusting a different form of benefit (under Code Section 415(b)(2)(B)), different interest rate assumptions are used in the case of a form of benefit subject to Code Section 417(e)(3). Code Section 415(b)(2)(E)(ii). However, because SDCERS is a governmental plan which is not subject to Code Section 417(e)(3), these different interest rate assumptions would not be applicable. Rev. Rul. 98-1, Q&A-3 (plans that are not subject to Code Section 417(e)(3), such as governmental plans, are not subject to the interest rate requirement under Section 415(b)(2)(E)(ii)).

Thus, for purposes of converting a form of benefit to a straight life annuity, the interest rate assumption should not be less than the greater of 5% or the rate specified in the plan (i.e., the rate used under the plan for actuarial equivalence for that specific benefit form). See IRS Announcement 95-99.

G. COST-OF-LIVING ADJUSTMENT OF CODE SECTION 415(b) LIMITS

Cost of living adjustments to a member's benefits are permitted under Code Section 415(d) and Treas. Reg. § 1.415-5(a)(3). By regulation, the adjusted dollar limitation "is applicable to . . . employees who have retired or otherwise terminated their service under the

² Code Section 415(b)(2)(E)(iii) also provides that these same interest rate assumptions should be used in adjusting the 415(b) limit when benefits begin after age 65.

plan with a nonforfeitable right to accrued benefits, regardless of whether they have actually begun to receive such benefits, as long as the plan specifically provides for the adjustment." Treas. Reg. § 1.415-5(a)(3).

With regard to the COLA on SDCERS benefits, the current regulations provide that no adjustment to the benefit's value is necessary for post-retirement cost of living increases "to the extent that such increases are in accordance with" Code Section 415(d) and Treas. Reg. § 1.415-5. Treas. Reg. § 1.415-3(c)(2)(iii). The correct interpretation of this phrase is a matter of some debate. IRS has said informally and in a private letter ruling that they think an automatic post-retirement increase must be initially reflected in the value of the member's benefit being tested, thus resulting in an initial actuarial reduction of the 415(b) limit. This reduction can be considerable. We do not think that this type of adjustment accurately reflects the regulations, which reflect an incremental approach -- that a COLA does not cause an adjustment "to the extent" it is consistent with subsequent increases in the Code Section 415 limits. In addition, there seems to be no reasonable way to project what the increases to the IRS limit will be (by federal law the increases must be "similar" to the Social Security COLA calculations), making it virtually impossible to reflect an incremental COLA adjustment into a reduced 415(b) limit. Code Section 415(d)(2).

The Proposed Regulations incorporate the approach the IRS had taken in informal guidance and provide that a fixed, automatic COLA has the effect of reducing the 415(b) limit. As indicated, this reduction can be significant and would result in significantly more members of governmental plans approaching the 415(b) limit. Ice Miller and many others have submitted comments on this point, but it remains to be seen whether the IRS will address those comments by revising its stance in final regulations.

H. CONSIDERATION OF AN ALTERNATE PAYEE'S BENEFITS FOR TESTING PURPOSES

Benefits payable to an alternate payee under a qualified domestic relations order are treated as part of the member's benefit for purposes of applying the benefit limits under Code Section 415. IRS Notice 87-21, Q&A-20; see also Announcement 95-99, Q&A-17.

I. TESTING OF THE SURVIVOR PORTION OF A BENEFIT

The rules which apply to a member's benefit also apply to a survivor's benefit. Under Code Section 415(b)(1), the annual benefit may not exceed the applicable dollar limit (\$170,000 for 2005). The Code defines "annual benefit" as "a benefit payable annually in the form of a straight life annuity (with no ancillary benefits) under a plan to which employees do not contribute and under which no rollover contributions ... are made." Code Section 415(b)(2)(A) (emphasis added). If a benefit under the plan is payable in any form other than this form,

the determinations as to whether the [415(b)] limitation ... has been satisfied shall be made, in accordance with regulations prescribed by the Secretary, by adjusting such benefit so that it is the equivalent to the benefit described in subparagraph (A). For purposes of this subparagraph, any ancillary benefit which is not directly related to retirement income benefits shall not be taken into account; and that portion of any joint and survivor annuity which constitutes a

qualified joint and survivor annuity (as defined in section 417) shall not be taken into account.

Code Section 415(b)(2)(B).

Thus, the benefit that is subject to testing is a straight life annuity, and any other benefit under a plan which is payable in a form other than a straight life annuity (other than a qualified joint and survivor annuity) must be converted to a straight life annuity in order to pass 415(b) testing. In essence, even if a benefit actually being paid is not a straight life annuity, it still should have been converted to a straight life annuity and tested under Code Section 415(b). Thus, upon the death of the retiree, there would be no need for a "conversion" of the survivor's benefit or a change to the existing 415(b) limit as applied to the retiree's benefit. Rather, upon the death of a retiree, the survivor's benefit continues to be tested against the retiree's benefit limit. (This would also be true of a qualified joint and survivor annuity, even though it is not converted to a straight life annuity for testing purposes, because such benefit is exempted from the conversion requirement.)

J. AGGREGATION OF TOTAL SDCERS BENEFITS FOR TESTING PURPOSES

Under a multiple employer plan, two (2) or more employers that are not part of a related group participate in the same plan. In applying the Code Section 415 limits to such multiple employer plans, Treas. Reg. § 1.415-1(e)(1) provides that for a participant in a multiple employer plan, benefits or contributions under the plan attributable to such participant from all of the employers maintaining the plan and compensation from all the participating employers must be taken into account. Generally, if the employers had maintained separate plans this rule would not apply, and the Code Section 415 limits would be separately determined for each employer because they are not part of a related group.

IV.

APPLICATION OF CODE SECTION 415(b) TO SDCERS AND RECOMMENDATIONS

The purpose of this Section of this Compliance Strategy Report is to relate the requirements of Code Section 415(b) as outlined in the previous Section to SDCERS.

A. PLAN DOCUMENT PROVISIONS

SDMC § 24.1010(h) (*per pending amendment*) provides that employee contributions to, and benefits from, SDCERS must comply with the Code Section 415 limitations on contributions and benefits. The provision further establishes the calendar year as the testing year and permits SDCERS to modify contributions as necessary to ensure compliance with Code Section 415. The Board Rules do not contain any provisions relating to Code Section 415 compliance, nor do any other policies or documents of which we are aware.

Attachment 2

**List: SDCERS Retroactive 415 Testing for VCP (2007);
102 members (Exhibit E)**

Exhibit E

SDCERS Retroactive 415 Testing for VCP (2007)

| Member ID | Date of Retirement | Member DOB | 415 Limit Year | 415 Testing Benefit | Uniform?? (Yes/No) | Adjusted 415 Limit | Amount Overpaid | Overpayments |
|-----------|--------------------|------------|----------------|---------------------|--------------------|--------------------|-----------------|-----------------------------|
| | | | | | | | | Rolled Forward to 6/30/2007 |
| 1 | 12/7/2004 | 9/7/1960 | 2005 | 100,278.49 | NO | 33,439.08 | 66,839.41 | 77,961.49 |
| 1 | 12/7/2004 | 9/7/1960 | 2006 | 100,278.49 | NO | 34,437.26 | 65,841.23 | 71,108.53 |
| 1 | 12/7/2004 | 9/7/1960 | 2007 | 100,278.49 | NO | 35,435.44 | 64,843.05 | 64,843.05 |
| 2 | 12/31/2005 | 12/2/1948 | 2006 | 204,988.17 | NO | 106,719.02 | 98,269.15 | 106,130.68 |
| 2 | 12/31/2005 | 12/2/1948 | 2007 | 204,988.17 | NO | 109,812.32 | 95,175.85 | 95,175.85 |
| 3 | 11/5/2004 | 11/5/1949 | 2005 | 143,700.01 | NO | 85,368.35 | 58,331.66 | 68,038.05 |
| 3 | 11/5/2004 | 11/5/1949 | 2006 | 143,700.01 | NO | 87,916.66 | 55,783.35 | 60,246.02 |
| 3 | 11/5/2004 | 11/5/1949 | 2007 | 143,700.01 | NO | 90,464.97 | 53,235.04 | 53,235.04 |
| 4 | 4/27/2005 | 3/19/1945 | 2005 | 251,414.37 | NO | 138,674.31 | 112,740.06 | 131,500.01 |
| 4 | 4/27/2005 | 3/19/1945 | 2006 | 251,414.37 | NO | 142,813.84 | 108,600.53 | 117,288.58 |
| 4 | 4/27/2005 | 3/19/1945 | 2007 | 251,414.37 | NO | 146,953.37 | 104,461.00 | 104,461.00 |
| 5 | 4/22/2004 | 2/25/1947 | 2004 | 172,743.70 | NO | 101,303.37 | 71,440.33 | 89,994.24 |
| 5 | 4/22/2004 | 2/25/1947 | 2005 | 172,743.70 | NO | 104,420.40 | 68,323.30 | 79,692.30 |
| 5 | 4/22/2004 | 2/25/1947 | 2006 | 172,743.70 | NO | 107,537.43 | 65,206.27 | 70,422.77 |
| 5 | 4/22/2004 | 2/25/1947 | 2007 | 172,743.70 | NO | 110,654.45 | 62,089.25 | 62,089.25 |
| 6 | 11/4/2004 | 8/31/1948 | 2005 | 148,155.91 | NO | 95,257.51 | 52,898.40 | 61,700.69 |
| 6 | 11/4/2004 | 8/31/1948 | 2006 | 148,155.91 | NO | 98,101.02 | 50,054.89 | 54,059.28 |
| 6 | 11/4/2004 | 8/31/1948 | 2007 | 148,155.91 | NO | 100,944.53 | 47,211.38 | 47,211.38 |
| 7 | 2/3/2006 | 11/11/1945 | 2006 | 221,407.84 | NO | 144,611.94 | 76,795.90 | 82,939.57 |
| 7 | 2/3/2006 | 11/11/1945 | 2007 | 221,407.84 | NO | 148,803.59 | 72,604.25 | 72,604.25 |
| 8 | 7/20/2002 | 3/29/1947 | 2003 | 111,348.22 | NO | 83,668.56 | 27,679.66 | 37,657.88 |
| 8 | 7/20/2002 | 3/29/1947 | 2004 | 111,348.22 | NO | 85,290.18 | 26,058.04 | 32,825.63 |
| 8 | 7/20/2002 | 3/29/1947 | 2005 | 111,348.22 | NO | 87,914.50 | 23,433.72 | 27,333.09 |
| 8 | 7/20/2002 | 3/29/1947 | 2006 | 111,348.22 | NO | 90,538.81 | 20,809.41 | 22,474.17 |
| 8 | 7/20/2002 | 3/29/1947 | 2007 | 111,348.22 | NO | 93,163.13 | 18,185.09 | 18,185.09 |
| 9 | 12/18/2004 | 10/8/1949 | 2005 | 120,209.72 | NO | 86,974.03 | 33,235.69 | 38,766.11 |
| 9 | 12/18/2004 | 10/8/1949 | 2006 | 120,209.72 | NO | 89,570.27 | 30,639.45 | 33,090.60 |
| 9 | 12/18/2004 | 10/8/1949 | 2007 | 120,209.72 | NO | 92,166.51 | 28,043.21 | 28,043.21 |
| 10 | 10/11/2003 | 2/17/1948 | 2004 | 133,200.92 | NO | 88,027.37 | 45,173.55 | 56,905.66 |
| 10 | 10/11/2003 | 2/17/1948 | 2005 | 133,200.92 | NO | 90,735.91 | 42,465.01 | 49,531.19 |
| 10 | 10/11/2003 | 2/17/1948 | 2006 | 133,200.92 | NO | 93,444.44 | 39,756.48 | 42,937.00 |
| 10 | 10/11/2003 | 2/17/1948 | 2007 | 133,200.92 | NO | 96,152.98 | 37,047.94 | 37,047.94 |
| 11 | 2/12/2005 | 9/11/1949 | 2005 | 120,870.33 | NO | 88,832.03 | 32,038.30 | 37,369.47 |
| 11 | 2/12/2005 | 9/11/1949 | 2006 | 120,870.33 | NO | 91,483.73 | 29,386.60 | 31,737.53 |
| 11 | 2/12/2005 | 9/11/1949 | 2007 | 120,870.33 | NO | 94,135.44 | 26,734.89 | 26,734.89 |
| 12 | 12/16/2003 | 10/23/1946 | 2004 | 139,661.73 | NO | 101,193.23 | 38,468.50 | 48,459.23 |
| 12 | 12/16/2003 | 10/23/1946 | 2005 | 139,661.73 | NO | 104,306.87 | 35,354.86 | 41,237.90 |
| 12 | 12/16/2003 | 10/23/1946 | 2006 | 139,661.73 | NO | 107,420.51 | 32,241.22 | 34,820.51 |
| 12 | 12/16/2003 | 10/23/1946 | 2007 | 139,661.73 | NO | 110,534.15 | 29,127.58 | 29,127.58 |
| 13 | 4/15/2005 | 7/18/1948 | 2005 | 122,896.21 | NO | 100,432.04 | 22,464.17 | 26,202.20 |
| 13 | 4/15/2005 | 7/18/1948 | 2006 | 122,896.21 | NO | 103,430.01 | 19,466.20 | 21,023.49 |
| 13 | 4/15/2005 | 7/18/1948 | 2007 | 122,896.21 | NO | 106,427.98 | 16,468.23 | 16,468.23 |
| 14 | 1/17/2006 | 1/16/1951 | 2006 | 104,313.92 | NO | 87,940.28 | 16,373.64 | 17,683.53 |
| 14 | 1/17/2006 | 1/16/1951 | 2007 | 104,313.92 | NO | 90,489.27 | 13,824.65 | 13,824.65 |
| 15 | 3/31/2001 | 3/15/1946 | 2001 | 97,267.59 | NO | 75,000.00 | 22,267.59 | 35,335.87 |
| 15 | 3/31/2001 | 3/15/1946 | 2002 | 97,267.59 | NO | 78,134.72 | 19,132.87 | 28,112.47 |
| 15 | 3/31/2001 | 3/15/1946 | 2003 | 97,267.59 | NO | 81,582.95 | 15,684.64 | 21,338.78 |
| 15 | 3/31/2001 | 3/15/1946 | 2004 | 97,267.59 | NO | 83,176.09 | 14,091.50 | 17,751.24 |
| 15 | 3/31/2001 | 3/15/1946 | 2005 | 97,267.59 | NO | 85,735.36 | 11,532.23 | 13,451.20 |
| 15 | 3/31/2001 | 3/15/1946 | 2006 | 97,267.59 | NO | 88,294.62 | 8,972.97 | 9,690.81 |
| 15 | 3/31/2001 | 3/15/1946 | 2007 | 97,267.59 | NO | 90,853.89 | 6,413.70 | 6,413.70 |
| 16 | 3/9/2006 | 7/28/1947 | 2006 | 161,972.60 | NO | 123,600.91 | 38,371.69 | 41,441.42 |
| 16 | 3/9/2006 | 7/28/1947 | 2007 | 161,972.60 | NO | 127,183.55 | 34,789.05 | 34,789.05 |
| 17 | 9/28/2005 | 9/28/1950 | 2006 | 106,276.42 | NO | 87,916.66 | 18,359.76 | 19,828.54 |
| 17 | 9/28/2005 | 9/28/1950 | 2007 | 106,276.42 | NO | 90,464.97 | 15,811.45 | 15,811.45 |

SDCERS Retroactive 415 Testing for VCP (2007)

| Member ID | Date of Retirement | Member DOB | 415 Limit Year | 415 Testing Benefit | Uniform?? (Yes/No) | Adjusted 415 Limit | Overpayments | |
|-----------|--------------------|------------|----------------|---------------------|--------------------|--------------------|-----------------|----------------------|
| | | | | | | | Amount Overpaid | Forward to 6/30/2007 |
| 18 | 7/24/2002 | 3/1/1947 | 2003 | 95,574.83 | NO | 84,371.08 | 11,203.75 | 15,242.58 |
| 18 | 7/24/2002 | 3/1/1947 | 2004 | 95,574.83 | NO | 86,002.30 | 9,572.53 | 12,058.63 |
| 18 | 7/24/2002 | 3/1/1947 | 2005 | 95,574.83 | NO | 88,648.52 | 6,926.31 | 8,078.85 |
| 18 | 7/24/2002 | 3/1/1947 | 2006 | 95,574.83 | NO | 91,294.75 | 4,280.08 | 4,622.49 |
| 18 | 7/24/2002 | 3/1/1947 | 2007 | 95,574.83 | NO | 93,940.97 | 1,633.86 | 1,633.86 |
| 19 | 12/31/2005 | 1/22/1951 | 2006 | 206,212.15 | YES | 172,500.00 | 33,712.15 | 36,409.12 |
| 19 | 12/31/2005 | 1/22/1951 | 2007 | 206,212.15 | YES | 177,500.00 | 28,712.15 | 28,712.15 |
| 20 | 4/22/2004 | 3/2/1945 | 2004 | 142,331.77 | NO | 122,423.35 | 19,908.42 | 25,078.87 |
| 20 | 4/22/2004 | 3/2/1945 | 2005 | 142,331.77 | NO | 126,190.22 | 16,141.55 | 18,827.50 |
| 20 | 4/22/2004 | 3/2/1945 | 2006 | 142,331.77 | NO | 129,957.09 | 12,374.68 | 13,364.65 |
| 20 | 4/22/2004 | 3/2/1945 | 2007 | 142,331.77 | NO | 133,723.96 | 8,607.81 | 8,607.81 |
| 21 | 5/28/2003 | 9/29/1947 | 2003 | 103,988.00 | NO | 86,478.65 | 17,509.35 | 23,821.27 |
| 21 | 5/28/2003 | 9/29/1947 | 2004 | 103,988.00 | NO | 88,138.64 | 15,849.36 | 19,965.62 |
| 21 | 5/28/2003 | 9/29/1947 | 2005 | 103,988.00 | NO | 90,850.60 | 13,137.40 | 15,323.46 |
| 21 | 5/28/2003 | 9/29/1947 | 2006 | 103,988.00 | NO | 93,562.56 | 10,425.44 | 11,259.47 |
| 21 | 5/28/2003 | 9/29/1947 | 2007 | 103,988.00 | NO | 96,274.52 | 7,713.48 | 7,713.48 |
| 22 | 4/22/2004 | 6/3/1945 | 2004 | 141,133.95 | NO | 119,446.29 | 21,687.66 | 27,320.20 |
| 22 | 4/22/2004 | 6/3/1945 | 2005 | 141,133.95 | NO | 123,121.56 | 18,012.39 | 21,009.65 |
| 22 | 4/22/2004 | 6/3/1945 | 2006 | 141,133.95 | NO | 126,796.83 | 14,337.12 | 15,484.09 |
| 22 | 4/22/2004 | 6/3/1945 | 2007 | 141,133.95 | NO | 130,472.10 | 10,661.85 | 10,661.85 |
| 23 | 12/31/2005 | 7/10/1948 | 2006 | 121,744.43 | NO | 110,869.53 | 10,874.90 | 11,744.89 |
| 23 | 12/31/2005 | 7/10/1948 | 2007 | 121,744.43 | NO | 114,083.14 | 7,661.29 | 7,661.29 |
| 24 | 7/17/2004 | 1/12/1946 | 2005 | 145,796.29 | NO | 118,878.30 | 26,917.99 | 31,397.14 |
| 24 | 7/17/2004 | 1/12/1946 | 2006 | 145,796.29 | NO | 122,426.91 | 23,369.38 | 25,238.93 |
| 24 | 7/17/2004 | 1/12/1946 | 2007 | 145,796.29 | NO | 125,975.51 | 19,820.78 | 19,820.78 |
| 25 | 1/29/2005 | 9/23/1949 | 2005 | 96,103.68 | NO | 88,258.57 | 7,845.11 | 9,150.54 |
| 25 | 1/29/2005 | 9/23/1949 | 2006 | 96,103.68 | NO | 90,893.16 | 5,210.52 | 5,627.36 |
| 25 | 1/29/2005 | 9/23/1949 | 2007 | 96,103.68 | NO | 93,527.74 | 2,575.94 | 2,575.94 |
| 26 | 9/16/2005 | 6/8/1950 | 2006 | 98,249.13 | NO | 90,231.71 | 8,017.42 | 8,658.82 |
| 26 | 9/16/2005 | 6/8/1950 | 2007 | 98,249.13 | NO | 92,847.12 | 5,402.01 | 5,402.01 |
| 27 | 5/1/2004 | 3/24/1949 | 2004 | 183,241.09 | YES | 162,500.00 | 20,741.09 | 26,127.80 |
| 27 | 5/1/2004 | 3/24/1949 | 2005 | 183,241.09 | YES | 167,500.00 | 15,741.09 | 18,360.41 |
| 27 | 5/1/2004 | 3/24/1949 | 2006 | 183,241.09 | YES | 172,500.00 | 10,741.09 | 11,600.38 |
| 27 | 5/1/2004 | 3/24/1949 | 2007 | 183,241.09 | YES | 177,500.00 | 5,741.09 | 5,741.09 |
| 28 | 1/1/2005 | 4/15/1949 | 2005 | 99,632.64 | NO | 91,240.55 | 8,392.09 | 9,788.54 |
| 28 | 1/1/2005 | 4/15/1949 | 2006 | 99,632.64 | NO | 93,964.15 | 5,668.49 | 6,121.97 |
| 28 | 1/1/2005 | 4/15/1949 | 2007 | 99,632.64 | NO | 96,687.75 | 2,944.89 | 2,944.89 |
| 29 | 6/5/2004 | 8/7/1946 | 2004 | 173,770.01 | YES | 162,500.00 | 11,270.01 | 14,196.97 |
| 29 | 6/5/2004 | 8/7/1946 | 2005 | 173,770.01 | YES | 167,500.00 | 6,270.01 | 7,313.34 |
| 29 | 6/5/2004 | 8/7/1946 | 2006 | 173,770.01 | YES | 172,500.00 | 1,270.01 | 1,371.61 |
| 29 | 6/5/2004 | 8/7/1946 | 2007 | 173,770.01 | YES | 177,500.00 | - | - |
| 30 | 7/6/2002 | 12/13/1946 | 2003 | 91,561.59 | NO | 85,688.31 | 5,873.28 | 7,990.53 |
| 30 | 7/6/2002 | 12/13/1946 | 2004 | 91,561.59 | NO | 87,337.51 | 4,224.08 | 5,321.12 |
| 30 | 7/6/2002 | 12/13/1946 | 2005 | 91,561.59 | NO | 90,024.82 | 1,536.77 | 1,792.49 |
| 30 | 7/6/2002 | 12/13/1946 | 2006 | 91,561.59 | NO | 92,712.13 | - | - |
| 30 | 7/6/2002 | 12/13/1946 | 2007 | 91,561.59 | NO | 95,399.44 | - | - |
| 31 | 10/13/2004 | 10/12/1949 | 2005 | 90,492.17 | NO | 85,391.28 | 5,100.89 | 5,949.68 |
| 31 | 10/13/2004 | 10/12/1949 | 2006 | 90,492.17 | NO | 87,940.28 | 2,551.89 | 2,756.04 |
| 31 | 10/13/2004 | 10/12/1949 | 2007 | 90,492.17 | NO | 90,489.27 | 2.90 | 2.90 |
| 32 | 9/17/2001 | 6/13/1943 | 2002 | 106,181.46 | NO | 92,662.33 | 13,519.13 | 19,864.04 |
| 32 | 9/17/2001 | 6/13/1943 | 2003 | 106,181.46 | NO | 110,563.73 | - | - |
| 32 | 9/17/2001 | 6/13/1943 | 2004 | 106,181.46 | NO | 112,534.10 | - | - |
| 32 | 9/17/2001 | 6/13/1943 | 2005 | 106,181.46 | NO | 115,996.69 | - | - |
| 32 | 9/17/2001 | 6/13/1943 | 2006 | 106,181.46 | NO | 119,459.28 | - | - |
| 32 | 9/17/2001 | 6/13/1943 | 2007 | 106,181.46 | NO | 122,921.86 | - | - |
| 33 | 6/29/2005 | 5/13/1947 | 2005 | 169,585.61 | YES | 167,500.00 | 2,085.61 | 2,432.66 |
| 33 | 6/29/2005 | 5/13/1947 | 2006 | 169,585.61 | YES | 172,500.00 | - | - |
| 33 | 6/29/2005 | 5/13/1947 | 2007 | 169,585.61 | YES | 177,500.00 | - | - |

SDCERS Retroactive 415 Testing for VCP (2007)

| Member ID | Date of Retirement | Member DOB | 415 Limit Year | 415 Testing Benefit | Uniform?? (Yes/No) | Adjusted 415 Limit | Overpayments | |
|-----------|--------------------|------------|----------------|---------------------|--------------------|--------------------|-----------------|-----------------------------|
| | | | | | | | Amount Overpaid | Rolled Forward to 6/30/2007 |
| 34 | 6/28/2003 | 10/30/1946 | 2003 | 96,544.86 | NO | 94,944.10 | 1,600.76 | 2,177.82 |
| 34 | 6/28/2003 | 10/30/1946 | 2004 | 96,544.86 | NO | 96,716.92 | - | - |
| 34 | 6/28/2003 | 10/30/1946 | 2005 | 96,544.86 | NO | 99,692.82 | - | - |
| 34 | 6/28/2003 | 10/30/1946 | 2006 | 96,544.86 | NO | 102,668.73 | - | - |
| 34 | 6/28/2003 | 10/30/1946 | 2007 | 96,544.86 | NO | 105,644.63 | - | - |
| 35 | 9/1/2004 | 1/20/1945 | 2005 | 172,234.34 | YES | 167,500.00 | 4,734.34 | 5,522.14 |
| 35 | 9/1/2004 | 1/20/1945 | 2006 | 172,234.34 | YES | 172,500.00 | - | - |
| 35 | 9/1/2004 | 1/20/1945 | 2007 | 172,234.34 | YES | 177,500.00 | - | - |
| 36 | 4/8/2006 | 1/3/1949 | 2006 | 110,937.20 | NO | 108,648.13 | 2,289.07 | 2,472.20 |
| 36 | 4/8/2006 | 1/3/1949 | 2007 | 110,937.20 | NO | 111,797.35 | - | - |
| 37 | 3/1/2002 | 10/21/1950 | 2002 | 153,216.61 | YES | 150,000.00 | 3,216.61 | 4,726.26 |
| 37 | 3/1/2002 | 10/21/1950 | 2003 | 153,216.61 | YES | 160,000.00 | - | - |
| 37 | 3/1/2002 | 10/21/1950 | 2004 | 153,216.61 | YES | 162,500.00 | - | - |
| 37 | 3/1/2002 | 10/21/1950 | 2005 | 153,216.61 | YES | 167,500.00 | - | - |
| 37 | 3/1/2002 | 10/21/1950 | 2006 | 153,216.61 | YES | 172,500.00 | - | - |
| 37 | 3/1/2002 | 10/21/1950 | 2007 | 153,216.61 | YES | 177,500.00 | - | - |
| 38 | 2/2/2001 | 8/23/1944 | 2001 | 191,776.47 | NO | 75,000.00 | 116,776.47 | 185,309.58 |
| 38 | 2/2/2001 | 8/23/1944 | 2002 | 191,776.47 | NO | 83,863.19 | 107,913.28 | 158,560.01 |
| 38 | 2/2/2001 | 8/23/1944 | 2003 | 191,776.47 | NO | 93,015.89 | 98,760.58 | 134,362.68 |
| 38 | 2/2/2001 | 8/23/1944 | 2004 | 191,776.47 | NO | 94,763.30 | 97,013.17 | 122,208.65 |
| 38 | 2/2/2001 | 8/23/1944 | 2005 | 191,776.47 | NO | 97,679.09 | 94,097.38 | 109,755.18 |
| 38 | 2/2/2001 | 8/23/1944 | 2006 | 191,776.47 | NO | 100,594.88 | 91,181.59 | 98,476.12 |
| 38 | 2/2/2001 | 8/23/1944 | 2007 | 191,776.47 | NO | 103,510.68 | 88,265.79 | 88,265.79 |
| 39 | 7/29/2005 | 7/28/1969 | 2006 | 25,959.19 | NO | 17,473.83 | 8,485.36 | 9,164.19 |
| 39 | 7/29/2005 | 7/28/1969 | 2007 | 25,959.19 | NO | 17,980.32 | 7,978.87 | 7,978.87 |
| 40 | 7/6/1991 | 3/1/1931 | 1992 | 101,639.80 | NO | 75,000.00 | 26,639.80 | 84,505.96 |
| 40 | 7/6/1991 | 3/1/1931 | 1993 | 101,639.80 | NO | 75,000.00 | 26,639.80 | 78,246.26 |
| 40 | 7/6/1991 | 3/1/1931 | 1994 | 101,639.80 | NO | 75,016.94 | 26,622.86 | 72,404.17 |
| 40 | 7/6/1991 | 3/1/1931 | 1995 | 101,639.80 | NO | 75,165.57 | 26,474.23 | 66,666.62 |
| 40 | 7/6/1991 | 3/1/1931 | 1996 | 101,639.80 | NO | 75,297.26 | 26,342.54 | 61,421.30 |
| 40 | 7/6/1991 | 3/1/1931 | 1997 | 101,639.80 | NO | 75,845.99 | 25,793.81 | 55,686.91 |
| 40 | 7/6/1991 | 3/1/1931 | 1998 | 101,639.80 | NO | 76,943.45 | 24,696.35 | 49,368.12 |
| 40 | 7/6/1991 | 3/1/1931 | 1999 | 101,639.80 | NO | 77,492.18 | 24,147.62 | 44,695.56 |
| 40 | 7/6/1991 | 3/1/1931 | 2000 | 101,639.80 | NO | 78,758.31 | 22,881.49 | 39,214.86 |
| 40 | 7/6/1991 | 3/1/1931 | 2001 | 101,639.80 | NO | 81,506.37 | 20,133.43 | 31,949.23 |
| 40 | 7/6/1991 | 3/1/1931 | 2002 | 101,639.80 | NO | 109,239.70 | - | - |
| 40 | 7/6/1991 | 3/1/1931 | 2003 | 101,639.80 | NO | 135,626.91 | - | - |
| 40 | 7/6/1991 | 3/1/1931 | 2004 | 101,639.80 | NO | 137,884.00 | - | - |
| 40 | 7/6/1991 | 3/1/1931 | 2005 | 101,639.80 | NO | 142,126.59 | - | - |
| 40 | 7/6/1991 | 3/1/1931 | 2006 | 101,639.80 | NO | 146,369.17 | - | - |
| 40 | 7/6/1991 | 3/1/1931 | 2007 | 101,639.80 | NO | 150,611.76 | - | - |
| 41 | 1/5/1993 | 11/1/1938 | 1993 | 119,672.64 | YES | 113,931.00 | 5,741.64 | 16,864.32 |
| 41 | 1/5/1993 | 11/1/1938 | 1994 | 119,672.64 | YES | 117,220.50 | 2,452.14 | 6,668.91 |
| 41 | 1/5/1993 | 11/1/1938 | 1995 | 119,672.64 | YES | 119,400.00 | 272.64 | 686.56 |
| 41 | 1/5/1993 | 11/1/1938 | 1996 | 119,672.64 | YES | 120,000.00 | - | - |
| 41 | 1/5/1993 | 11/1/1938 | 1997 | 119,672.64 | YES | 122,500.00 | - | - |
| 41 | 1/5/1993 | 11/1/1938 | 1998 | 119,672.64 | YES | 127,500.00 | - | - |
| 41 | 1/5/1993 | 11/1/1938 | 1999 | 119,672.64 | YES | 130,000.00 | - | - |
| 41 | 1/5/1993 | 11/1/1938 | 2000 | 119,672.64 | YES | 132,500.00 | - | - |
| 41 | 1/5/1993 | 11/1/1938 | 2001 | 119,672.64 | YES | 137,500.00 | - | - |
| 41 | 1/5/1993 | 11/1/1938 | 2002 | 119,672.64 | YES | 150,000.00 | - | - |
| 41 | 1/5/1993 | 11/1/1938 | 2003 | 119,672.64 | YES | 160,000.00 | - | - |
| 41 | 1/5/1993 | 11/1/1938 | 2004 | 119,672.64 | YES | 162,500.00 | - | - |
| 41 | 1/5/1993 | 11/1/1938 | 2005 | 119,672.64 | YES | 167,500.00 | - | - |
| 41 | 1/5/1993 | 11/1/1938 | 2006 | 119,672.64 | YES | 172,500.00 | - | - |
| 41 | 1/5/1993 | 11/1/1938 | 2007 | 119,672.64 | YES | 177,500.00 | - | - |
| 42 | 4/24/2006 | 4/24/1951 | 2006 | 105,898.31 | NO | 87,916.66 | 17,981.65 | 19,420.18 |
| 42 | 4/24/2006 | 4/24/1951 | 2007 | 105,898.31 | NO | 90,464.97 | 15,433.34 | 15,433.34 |
| 43 | 7/26/2005 | 12/24/1969 | 2006 | 17,727.21 | NO | 14,976.18 | 2,751.03 | 2,971.11 |
| 43 | 7/26/2005 | 12/24/1969 | 2007 | 17,727.21 | NO | 15,410.27 | 2,316.94 | 2,316.94 |
| 44 | 6/30/2006 | 5/9/1951 | 2006 | 101,307.38 | NO | 89,121.43 | 12,185.95 | 13,160.83 |
| 44 | 6/30/2006 | 5/9/1951 | 2007 | 101,307.38 | NO | 91,704.66 | 9,602.72 | 9,602.72 |

SDCERS Retroactive 415 Testing for VCP (2007)

| Member ID | Date of | | 415 Limit Year | 415 Testing Benefit | Uniform?? (Yes/No) | Adjusted 415 Limit | Overpayments | |
|-----------|------------|------------|----------------|---------------------|--------------------|--------------------|-----------------|----------------------|
| | Retirement | Member DOB | | | | | Amount Overpaid | Forward to 6/30/2007 |
| 45 | 10/3/1998 | 10/1/1940 | 1999 | 100,076.96 | NO | 75,000.00 | 25,076.96 | 46,415.70 |
| 45 | 10/3/1998 | 10/1/1940 | 2000 | 100,076.96 | NO | 75,000.00 | 25,076.96 | 42,977.50 |
| 45 | 10/3/1998 | 10/1/1940 | 2001 | 100,076.96 | NO | 75,000.00 | 25,076.96 | 39,793.98 |
| 45 | 10/3/1998 | 10/1/1940 | 2002 | 100,076.96 | NO | 91,261.12 | 8,815.84 | 12,953.36 |
| 45 | 10/3/1998 | 10/1/1940 | 2003 | 100,076.96 | NO | 107,771.10 | - | - |
| 45 | 10/3/1998 | 10/1/1940 | 2004 | 100,076.96 | NO | 109,707.79 | - | - |
| 45 | 10/3/1998 | 10/1/1940 | 2005 | 100,076.96 | NO | 113,083.41 | - | - |
| 45 | 10/3/1998 | 10/1/1940 | 2006 | 100,076.96 | NO | 116,459.03 | - | - |
| 45 | 10/3/1998 | 10/1/1940 | 2007 | 100,076.96 | NO | 119,834.66 | - | - |
| 46 | 12/7/1999 | 1/1/1940 | 2000 | 190,291.55 | YES | 132,500.00 | 57,791.55 | 99,044.57 |
| 46 | 12/7/1999 | 1/1/1940 | 2001 | 190,291.55 | YES | 137,500.00 | 52,791.55 | 83,773.56 |
| 46 | 12/7/1999 | 1/1/1940 | 2002 | 190,291.55 | YES | 150,000.00 | 40,291.55 | 59,201.51 |
| 46 | 12/7/1999 | 1/1/1940 | 2003 | 190,291.55 | YES | 160,000.00 | 30,291.55 | 41,211.32 |
| 46 | 12/7/1999 | 1/1/1940 | 2004 | 190,291.55 | YES | 162,500.00 | 27,791.55 | 35,009.35 |
| 46 | 12/7/1999 | 1/1/1940 | 2005 | 190,291.55 | YES | 167,500.00 | 22,791.55 | 26,584.07 |
| 46 | 12/7/1999 | 1/1/1940 | 2006 | 190,291.55 | YES | 172,500.00 | 17,791.55 | 19,214.88 |
| 46 | 12/7/1999 | 1/1/1940 | 2007 | 190,291.55 | YES | 177,500.00 | 12,791.55 | 12,791.55 |
| 47 | 4/1/2002 | 10/1/1937 | 2002 | 224,292.57 | YES | 150,000.00 | 74,292.57 | 109,160.16 |
| 47 | 4/1/2002 | 10/1/1937 | 2003 | 224,292.57 | YES | 160,000.00 | 64,292.57 | 87,469.33 |
| 47 | 4/1/2002 | 10/1/1937 | 2004 | 224,292.57 | YES | 162,500.00 | 61,792.57 | 77,840.84 |
| 47 | 4/1/2002 | 10/1/1937 | 2005 | 224,292.57 | YES | 167,500.00 | 56,792.57 | 66,242.85 |
| 47 | 4/1/2002 | 10/1/1937 | 2006 | 224,292.57 | YES | 172,500.00 | 51,792.57 | 55,935.98 |
| 47 | 4/1/2002 | 10/1/1937 | 2007 | 224,292.57 | YES | 177,500.00 | 46,792.57 | 46,792.57 |
| 48 | 9/1/2005 | 9/1/1950 | 2006 | 95,667.92 | NO | 87,916.66 | 7,751.26 | 8,371.36 |
| 48 | 9/1/2005 | 9/1/1950 | 2007 | 95,667.92 | NO | 90,464.97 | 5,202.95 | 5,202.95 |
| 49 | 7/6/2000 | 12/1/1943 | 2001 | 100,746.23 | NO | 75,000.00 | 25,746.23 | 40,856.03 |
| 49 | 7/6/2000 | 12/1/1943 | 2002 | 100,746.23 | NO | 84,548.26 | 16,197.97 | 23,800.13 |
| 49 | 7/6/2000 | 12/1/1943 | 2003 | 100,746.23 | NO | 94,382.73 | 6,363.50 | 8,657.47 |
| 49 | 7/6/2000 | 12/1/1943 | 2004 | 100,746.23 | NO | 96,148.14 | 4,598.09 | 5,792.27 |
| 49 | 7/6/2000 | 12/1/1943 | 2005 | 100,746.23 | NO | 99,106.55 | 1,639.68 | 1,912.52 |
| 49 | 7/6/2000 | 12/1/1943 | 2006 | 100,746.23 | NO | 102,064.95 | - | - |
| 49 | 7/6/2000 | 12/1/1943 | 2007 | 100,746.23 | NO | 105,023.36 | - | - |
| 50 | 10/6/2004 | 10/6/1949 | 2005 | 88,940.14 | NO | 85,368.35 | 3,571.79 | 4,166.13 |
| 50 | 10/6/2004 | 10/6/1949 | 2006 | 88,940.14 | NO | 87,916.66 | 1,023.48 | 1,105.36 |
| 50 | 10/6/2004 | 10/6/1949 | 2007 | 88,940.14 | NO | 90,464.97 | - | - |
| 51 | 12/31/2005 | 9/15/1949 | 2006 | 119,781.31 | NO | 99,203.57 | 20,577.74 | 22,223.96 |
| 51 | 12/31/2005 | 9/15/1949 | 2007 | 119,781.31 | NO | 102,079.04 | 17,702.27 | 17,702.27 |
| 52 | 5/21/2000 | 5/21/1945 | 2000 | 88,947.16 | NO | 75,000.00 | 13,947.16 | 23,902.98 |
| 52 | 5/21/2000 | 5/21/1945 | 2001 | 88,947.16 | NO | 75,000.00 | 13,947.16 | 22,132.39 |
| 52 | 5/21/2000 | 5/21/1945 | 2002 | 88,947.16 | NO | 77,958.75 | 10,988.41 | 16,145.57 |
| 52 | 5/21/2000 | 5/21/1945 | 2003 | 88,947.16 | NO | 81,231.69 | 7,715.47 | 10,496.81 |
| 52 | 5/21/2000 | 5/21/1945 | 2004 | 88,947.16 | NO | 82,820.04 | 6,127.12 | 7,718.40 |
| 52 | 5/21/2000 | 5/21/1945 | 2005 | 88,947.16 | NO | 85,368.35 | 3,578.81 | 4,174.32 |
| 52 | 5/21/2000 | 5/21/1945 | 2006 | 88,947.16 | NO | 87,916.66 | 1,030.50 | 1,112.94 |
| 52 | 5/21/2000 | 5/21/1945 | 2007 | 88,947.16 | NO | 90,464.97 | - | - |
| 53 | 3/26/2004 | 2/20/1947 | 2004 | 104,608.45 | NO | 100,725.14 | 3,883.31 | 4,891.86 |
| 53 | 3/26/2004 | 2/20/1947 | 2005 | 104,608.45 | NO | 103,824.38 | 784.07 | 914.54 |
| 53 | 3/26/2004 | 2/20/1947 | 2006 | 104,608.45 | NO | 106,923.62 | - | - |
| 53 | 3/26/2004 | 2/20/1947 | 2007 | 104,608.45 | NO | 110,022.85 | - | - |

SDCERS Retroactive 415 Testing for VCP (2007)

| Member ID | Date of Retirement | Member DOB | 415 Limit Year | 415 Testing Benefit | Uniform?? (Yes/No) | Adjusted 415 Limit | Overpayments | |
|-----------|--------------------|------------|----------------|---------------------|--------------------|--------------------|-----------------|-----------------------------|
| | | | | | | | Amount Overpaid | Rolled Forward to 6/30/2007 |
| 54 | 12/31/1997 | 6/1/1941 | 1998 | 83,678.77 | NO | 75,000.00 | 8,678.77 | 17,348.91 |
| 54 | 12/31/1997 | 6/1/1941 | 1999 | 83,678.77 | NO | 75,000.00 | 8,678.77 | 16,063.81 |
| 54 | 12/31/1997 | 6/1/1941 | 2000 | 83,678.77 | NO | 75,000.00 | 8,678.77 | 14,873.89 |
| 54 | 12/31/1997 | 6/1/1941 | 2001 | 83,678.77 | NO | 75,000.00 | 8,678.77 | 13,772.12 |
| 54 | 12/31/1997 | 6/1/1941 | 2002 | 83,678.77 | NO | 84,487.09 | - | - |
| 54 | 12/31/1997 | 6/1/1941 | 2003 | 83,678.77 | NO | 94,260.69 | - | - |
| 54 | 12/31/1997 | 6/1/1941 | 2004 | 83,678.77 | NO | 96,024.49 | - | - |
| 54 | 12/31/1997 | 6/1/1941 | 2005 | 83,678.77 | NO | 98,979.10 | - | - |
| 54 | 12/31/1997 | 6/1/1941 | 2006 | 83,678.77 | NO | 101,933.70 | - | - |
| 54 | 12/31/1997 | 6/1/1941 | 2007 | 83,678.77 | NO | 104,888.30 | - | - |
| 55 | 4/1/2002 | 6/18/1935 | 2002 | 242,226.86 | NO | 163,145.65 | 79,081.21 | 116,196.25 |
| 55 | 4/1/2002 | 6/18/1935 | 2003 | 242,226.86 | NO | 187,425.39 | 54,801.47 | 74,556.80 |
| 55 | 4/1/2002 | 6/18/1935 | 2004 | 242,226.86 | NO | 189,985.10 | 52,241.76 | 65,809.58 |
| 55 | 4/1/2002 | 6/18/1935 | 2005 | 242,226.86 | NO | 195,830.80 | 46,396.06 | 54,116.37 |
| 55 | 4/1/2002 | 6/18/1935 | 2006 | 242,226.86 | NO | 201,676.50 | 40,550.36 | 43,794.39 |
| 55 | 4/1/2002 | 6/18/1935 | 2007 | 242,226.86 | NO | 207,522.19 | 34,704.67 | 34,704.67 |
| 56 | 9/9/2005 | 8/14/1947 | 2006 | 120,271.09 | NO | 117,209.09 | 3,062.00 | 3,306.96 |
| 56 | 9/9/2005 | 8/14/1947 | 2007 | 120,271.09 | NO | 120,606.46 | - | - |
| 57 | 6/17/2006 | 4/24/1949 | 2006 | 123,231.56 | NO | 107,420.51 | 15,811.05 | 17,075.93 |
| 57 | 6/17/2006 | 4/24/1949 | 2007 | 123,231.56 | NO | 110,534.15 | 12,697.41 | 12,697.41 |
| 58 | 2/3/1998 | 1/1/1943 | 1998 | 139,783.57 | YES | 127,500.00 | 12,283.57 | 24,554.90 |
| 58 | 2/3/1998 | 1/1/1943 | 1999 | 139,783.57 | YES | 130,000.00 | 9,783.57 | 18,108.70 |
| 58 | 2/3/1998 | 1/1/1943 | 2000 | 139,783.57 | YES | 132,500.00 | 7,283.57 | 12,482.75 |
| 58 | 2/3/1998 | 1/1/1943 | 2001 | 139,783.57 | YES | 137,500.00 | 2,283.57 | 3,623.73 |
| 58 | 2/3/1998 | 1/1/1943 | 2002 | 139,783.57 | YES | 150,000.00 | - | - |
| 58 | 2/3/1998 | 1/1/1943 | 2003 | 139,783.57 | YES | 160,000.00 | - | - |
| 58 | 2/3/1998 | 1/1/1943 | 2004 | 139,783.57 | YES | 162,500.00 | - | - |
| 58 | 2/3/1998 | 1/1/1943 | 2005 | 139,783.57 | YES | 167,500.00 | - | - |
| 58 | 2/3/1998 | 1/1/1943 | 2006 | 139,783.57 | YES | 172,500.00 | - | - |
| 58 | 2/3/1998 | 1/1/1943 | 2007 | 139,783.57 | YES | 177,500.00 | - | - |
| 59 | 12/17/2005 | 2/27/1947 | 2006 | 129,832.62 | NO | 125,851.10 | 3,981.52 | 4,300.04 |
| 59 | 12/17/2005 | 2/27/1947 | 2007 | 129,832.62 | NO | 129,498.95 | 333.67 | 333.67 |
| 60 | 2/25/1997 | 11/1/1935 | 1997 | 90,547.71 | NO | 80,069.08 | 10,478.63 | 22,622.58 |
| 60 | 2/25/1997 | 11/1/1935 | 1998 | 90,547.71 | NO | 83,337.21 | 7,210.50 | 14,413.83 |
| 60 | 2/25/1997 | 11/1/1935 | 1999 | 90,547.71 | NO | 84,971.27 | 5,576.44 | 10,321.61 |
| 60 | 2/25/1997 | 11/1/1935 | 2000 | 90,547.71 | NO | 86,605.33 | 3,942.38 | 6,756.55 |
| 60 | 2/25/1997 | 11/1/1935 | 2001 | 90,547.71 | NO | 89,873.46 | 674.25 | 1,069.95 |
| 60 | 2/25/1997 | 11/1/1935 | 2002 | 90,547.71 | NO | 120,453.78 | - | - |
| 60 | 2/25/1997 | 11/1/1935 | 2003 | 90,547.71 | NO | 149,462.36 | - | - |
| 60 | 2/25/1997 | 11/1/1935 | 2004 | 90,547.71 | NO | 151,861.02 | - | - |
| 60 | 2/25/1997 | 11/1/1935 | 2005 | 90,547.71 | NO | 156,533.67 | - | - |
| 60 | 2/25/1997 | 11/1/1935 | 2006 | 90,547.71 | NO | 161,206.31 | - | - |
| 60 | 2/25/1997 | 11/1/1935 | 2007 | 90,547.71 | NO | 165,878.96 | - | - |
| 61 | 5/25/2005 | 3/31/1943 | 2005 | 186,937.92 | NO | 167,500.00 | 19,437.92 | 22,672.39 |
| 61 | 5/25/2005 | 3/31/1943 | 2006 | 186,937.92 | NO | 172,500.00 | 14,437.92 | 15,592.95 |
| 61 | 5/25/2005 | 3/31/1943 | 2007 | 186,937.92 | NO | 177,500.00 | 9,437.92 | 9,437.92 |
| 62 | 1/6/1995 | 12/7/1929 | 1995 | 151,349.77 | NO | 107,940.92 | 43,408.85 | 109,310.88 |
| 62 | 1/6/1995 | 12/7/1929 | 1996 | 151,349.77 | NO | 108,483.33 | 42,866.44 | 99,949.07 |
| 62 | 1/6/1995 | 12/7/1929 | 1997 | 151,349.77 | NO | 110,743.40 | 40,606.37 | 87,666.11 |
| 62 | 1/6/1995 | 12/7/1929 | 1998 | 151,349.77 | NO | 115,263.54 | 36,086.23 | 72,136.55 |
| 62 | 1/6/1995 | 12/7/1929 | 1999 | 151,349.77 | NO | 117,523.61 | 33,826.16 | 62,609.87 |
| 62 | 1/6/1995 | 12/7/1929 | 2000 | 151,349.77 | NO | 119,783.68 | 31,566.09 | 54,098.74 |
| 62 | 1/6/1995 | 12/7/1929 | 2001 | 151,349.77 | NO | 124,303.82 | 27,045.95 | 42,918.53 |
| 62 | 1/6/1995 | 12/7/1929 | 2002 | 151,349.77 | NO | 143,875.83 | 7,473.94 | 10,981.67 |
| 62 | 1/6/1995 | 12/7/1929 | 2003 | 151,349.77 | NO | 161,173.47 | - | - |
| 62 | 1/6/1995 | 12/7/1929 | 2004 | 151,349.77 | NO | 163,677.28 | - | - |
| 62 | 1/6/1995 | 12/7/1929 | 2005 | 151,349.77 | NO | 168,713.50 | - | - |
| 62 | 1/6/1995 | 12/7/1929 | 2006 | 151,349.77 | NO | 173,749.72 | - | - |
| 62 | 1/6/1995 | 12/7/1929 | 2007 | 151,349.77 | NO | 178,785.95 | - | - |

SDCERS Retroactive 415 Testing for VCP (2007)

| Member ID | Date of Retirement | Member DOB | 415 Limit Year | 415 Testing Benefit | Uniform?? (Yes/No) | Adjusted 415 Limit | Overpayments | |
|-----------|--------------------|------------|----------------|---------------------|--------------------|--------------------|-----------------|----------------------|
| | | | | | | | Amount Overpaid | Forward to 6/30/2007 |
| 63 | 4/1/1997 | 7/1/1941 | 1997 | 78,022.97 | NO | 75,000.00 | 3,022.97 | 6,526.36 |
| 63 | 4/1/1997 | 7/1/1941 | 1998 | 78,022.97 | NO | 75,000.00 | 3,022.97 | 6,042.92 |
| 63 | 4/1/1997 | 7/1/1941 | 1999 | 78,022.97 | NO | 75,000.00 | 3,022.97 | 5,595.30 |
| 63 | 4/1/1997 | 7/1/1941 | 2000 | 78,022.97 | NO | 75,000.00 | 3,022.97 | 5,180.83 |
| 63 | 4/1/1997 | 7/1/1941 | 2001 | 78,022.97 | NO | 75,000.00 | 3,022.97 | 4,797.07 |
| 63 | 4/1/1997 | 7/1/1941 | 2002 | 78,022.97 | NO | 80,928.26 | - | - |
| 63 | 4/1/1997 | 7/1/1941 | 2003 | 78,022.97 | NO | 87,159.22 | - | - |
| 63 | 4/1/1997 | 7/1/1941 | 2004 | 78,022.97 | NO | 88,828.50 | - | - |
| 63 | 4/1/1997 | 7/1/1941 | 2005 | 78,022.97 | NO | 91,561.69 | - | - |
| 63 | 4/1/1997 | 7/1/1941 | 2006 | 78,022.97 | NO | 94,294.87 | - | - |
| 63 | 4/1/1997 | 7/1/1941 | 2007 | 78,022.97 | NO | 97,028.06 | - | - |
| 64 | 12/31/2005 | 7/12/1948 | 2006 | 117,869.69 | NO | 110,811.07 | 7,058.62 | 7,623.31 |
| 64 | 12/31/2005 | 7/12/1948 | 2007 | 117,869.69 | NO | 114,022.99 | 3,846.70 | 3,846.70 |
| 65 | 9/2/2005 | 3/25/1950 | 2006 | 188,639.83 | YES | 172,500.00 | 16,139.83 | 17,431.02 |
| 65 | 9/2/2005 | 3/25/1950 | 2007 | 188,639.83 | YES | 177,500.00 | 11,139.83 | 11,139.83 |
| 66 | 4/12/2003 | 4/1/1943 | 2003 | 161,907.48 | YES | 160,000.00 | 1,907.48 | 2,595.11 |
| 66 | 4/12/2003 | 4/1/1943 | 2004 | 161,907.48 | YES | 162,500.00 | - | - |
| 66 | 4/12/2003 | 4/1/1943 | 2005 | 161,907.48 | YES | 167,500.00 | - | - |
| 66 | 4/12/2003 | 4/1/1943 | 2006 | 161,907.48 | YES | 172,500.00 | - | - |
| 66 | 4/12/2003 | 4/1/1943 | 2007 | 161,907.48 | YES | 177,500.00 | - | - |
| 67 | 6/30/2004 | 8/6/1946 | 2004 | 164,671.97 | YES | 162,500.00 | 2,171.97 | 2,736.05 |
| 67 | 6/30/2004 | 8/6/1946 | 2005 | 164,671.97 | YES | 167,500.00 | - | - |
| 67 | 6/30/2004 | 8/6/1946 | 2006 | 164,671.97 | YES | 172,500.00 | - | - |
| 67 | 6/30/2004 | 8/6/1946 | 2007 | 164,671.97 | YES | 177,500.00 | - | - |
| 68 | 4/18/2006 | 3/10/1945 | 2006 | 193,659.75 | NO | 157,717.20 | 35,942.55 | 38,817.95 |
| 68 | 4/18/2006 | 3/10/1945 | 2007 | 193,659.75 | NO | 162,288.72 | 31,371.03 | 31,371.03 |
| 69 | 10/4/1997 | 4/1/1933 | 1998 | 131,743.67 | NO | 110,570.83 | 21,172.84 | 42,324.60 |
| 69 | 10/4/1997 | 4/1/1933 | 1999 | 131,743.67 | NO | 112,738.89 | 19,004.78 | 35,176.52 |
| 69 | 10/4/1997 | 4/1/1933 | 2000 | 131,743.67 | NO | 114,906.94 | 16,836.73 | 28,855.20 |
| 69 | 10/4/1997 | 4/1/1933 | 2001 | 131,743.67 | NO | 119,243.06 | 12,500.61 | 19,836.90 |
| 69 | 10/4/1997 | 4/1/1933 | 2002 | 131,743.67 | NO | 140,705.56 | - | - |
| 69 | 10/4/1997 | 4/1/1933 | 2003 | 131,743.67 | NO | 160,000.00 | - | - |
| 69 | 10/4/1997 | 4/1/1933 | 2004 | 131,743.67 | NO | 162,500.00 | - | - |
| 69 | 10/4/1997 | 4/1/1933 | 2005 | 131,743.67 | NO | 167,500.00 | - | - |
| 69 | 10/4/1997 | 4/1/1933 | 2006 | 131,743.67 | NO | 172,500.00 | - | - |
| 69 | 10/4/1997 | 4/1/1933 | 2007 | 131,743.67 | NO | 177,500.00 | - | - |
| 70 | 3/30/2002 | 2/1/1943 | 2002 | 168,017.97 | YES | 150,000.00 | 18,017.97 | 26,474.31 |
| 70 | 3/30/2002 | 2/1/1943 | 2003 | 168,017.97 | YES | 160,000.00 | 8,017.97 | 10,908.36 |
| 70 | 3/30/2002 | 2/1/1943 | 2004 | 168,017.97 | YES | 162,500.00 | 5,517.97 | 6,951.05 |
| 70 | 3/30/2002 | 2/1/1943 | 2005 | 168,017.97 | YES | 167,500.00 | 517.97 | 604.16 |
| 70 | 3/30/2002 | 2/1/1943 | 2006 | 168,017.97 | YES | 172,500.00 | - | - |
| 70 | 3/30/2002 | 2/1/1943 | 2007 | 168,017.97 | YES | 177,500.00 | - | - |
| 71 | 10/26/1999 | 10/26/1944 | 2000 | 77,197.79 | NO | 75,000.00 | 2,197.79 | 3,766.62 |
| 71 | 10/26/1999 | 10/26/1944 | 2001 | 77,197.79 | NO | 75,000.00 | 2,197.79 | 3,487.61 |
| 71 | 10/26/1999 | 10/26/1944 | 2002 | 77,197.79 | NO | 77,958.75 | - | - |
| 71 | 10/26/1999 | 10/26/1944 | 2003 | 77,197.79 | NO | 81,231.69 | - | - |
| 71 | 10/26/1999 | 10/26/1944 | 2004 | 77,197.79 | NO | 82,820.04 | - | - |
| 71 | 10/26/1999 | 10/26/1944 | 2005 | 77,197.79 | NO | 85,368.35 | - | - |
| 71 | 10/26/1999 | 10/26/1944 | 2006 | 77,197.79 | NO | 87,916.66 | - | - |
| 71 | 10/26/1999 | 10/26/1944 | 2007 | 77,197.79 | NO | 90,464.97 | - | - |
| 72 | 1/9/1996 | 7/1/1933 | 1996 | 106,200.77 | NO | 88,177.78 | 18,022.99 | 42,023.10 |
| 72 | 1/9/1996 | 7/1/1933 | 1997 | 106,200.77 | NO | 90,014.81 | 16,185.96 | 34,944.27 |
| 72 | 1/9/1996 | 7/1/1933 | 1998 | 106,200.77 | NO | 93,688.89 | 12,511.88 | 25,011.30 |
| 72 | 1/9/1996 | 7/1/1933 | 1999 | 106,200.77 | NO | 95,525.93 | 10,674.84 | 19,758.38 |
| 72 | 1/9/1996 | 7/1/1933 | 2000 | 106,200.77 | NO | 97,362.96 | 8,837.81 | 15,146.45 |
| 72 | 1/9/1996 | 7/1/1933 | 2001 | 106,200.77 | NO | 101,037.04 | 5,163.73 | 8,194.19 |
| 72 | 1/9/1996 | 7/1/1933 | 2002 | 106,200.77 | NO | 131,437.04 | - | - |
| 72 | 1/9/1996 | 7/1/1933 | 2003 | 106,200.77 | NO | 160,000.00 | - | - |
| 72 | 1/9/1996 | 7/1/1933 | 2004 | 106,200.77 | NO | 162,500.00 | - | - |
| 72 | 1/9/1996 | 7/1/1933 | 2005 | 106,200.77 | NO | 167,500.00 | - | - |
| 72 | 1/9/1996 | 7/1/1933 | 2006 | 106,200.77 | NO | 172,500.00 | - | - |
| 72 | 1/9/1996 | 7/1/1933 | 2007 | 106,200.77 | NO | 177,500.00 | - | - |

SDCERS Retroactive 415 Testing for VCP (2007)

| Member ID | Date of Retirement | Member DOB | 415 Limit Year | 415 Testing Benefit | Uniform?? (Yes/No) | Adjusted 415 Limit | Overpayments | |
|-----------|--------------------|------------|----------------|---------------------|--------------------|--------------------|-----------------|----------------------|
| | | | | | | | Amount Overpaid | Forward to 6/30/2007 |
| 73 | 3/30/2002 | 6/1/1943 | 2002 | 182,357.59 | YES | 150,000.00 | 32,357.59 | 47,543.92 |
| 73 | 3/30/2002 | 6/1/1943 | 2003 | 182,357.59 | YES | 160,000.00 | 22,357.59 | 30,417.25 |
| 73 | 3/30/2002 | 6/1/1943 | 2004 | 182,357.59 | YES | 162,500.00 | 19,857.59 | 25,014.84 |
| 73 | 3/30/2002 | 6/1/1943 | 2005 | 182,357.59 | YES | 167,500.00 | 14,857.59 | 17,329.89 |
| 73 | 3/30/2002 | 6/1/1943 | 2006 | 182,357.59 | YES | 172,500.00 | 9,857.59 | 10,646.20 |
| 73 | 3/30/2002 | 6/1/1943 | 2007 | 182,357.59 | YES | 177,500.00 | 4,857.59 | 4,857.59 |
| 74 | 8/1/2005 | 7/31/1950 | 2006 | 185,520.96 | YES | 172,500.00 | 13,020.96 | 14,062.64 |
| 74 | 8/1/2005 | 7/31/1950 | 2007 | 185,520.96 | YES | 177,500.00 | 8,020.96 | 8,020.96 |
| 75 | 1/28/2006 | 4/8/1947 | 2006 | 145,464.90 | NO | 125,851.10 | 19,613.80 | 21,182.91 |
| 75 | 1/28/2006 | 4/8/1947 | 2007 | 145,464.90 | NO | 129,498.95 | 15,965.95 | 15,965.95 |
| 76 | 10/10/2005 | 7/4/1949 | 2006 | 102,863.41 | NO | 98,941.06 | 3,922.35 | 4,236.13 |
| 76 | 10/10/2005 | 7/4/1949 | 2007 | 102,863.41 | NO | 101,808.92 | 1,054.49 | 1,054.49 |
| 77 | 11/15/2002 | 11/1/1944 | 2003 | 169,426.56 | YES | 160,000.00 | 9,426.56 | 12,824.73 |
| 77 | 11/15/2002 | 11/1/1944 | 2004 | 169,426.56 | YES | 162,500.00 | 6,926.56 | 8,725.47 |
| 77 | 11/15/2002 | 11/1/1944 | 2005 | 169,426.56 | YES | 167,500.00 | 1,926.56 | 2,247.13 |
| 77 | 11/15/2002 | 11/1/1944 | 2006 | 169,426.56 | YES | 172,500.00 | - | - |
| 77 | 11/15/2002 | 11/1/1944 | 2007 | 169,426.56 | YES | 177,500.00 | - | - |
| 78 | 6/30/2006 | 11/14/1951 | 2006 | 182,280.37 | YES | 172,500.00 | 9,780.37 | 10,562.80 |
| 78 | 6/30/2006 | 11/14/1951 | 2007 | 182,280.37 | YES | 177,500.00 | 4,780.37 | 4,780.37 |
| 79 | 4/1/2002 | 10/1/1945 | 2002 | 154,886.10 | YES | 150,000.00 | 4,886.10 | 7,179.28 |
| 79 | 4/1/2002 | 10/1/1945 | 2003 | 154,886.10 | YES | 160,000.00 | - | - |
| 79 | 4/1/2002 | 10/1/1945 | 2004 | 154,886.10 | YES | 162,500.00 | - | - |
| 79 | 4/1/2002 | 10/1/1945 | 2005 | 154,886.10 | YES | 167,500.00 | - | - |
| 79 | 4/1/2002 | 10/1/1945 | 2006 | 154,886.10 | YES | 172,500.00 | - | - |
| 79 | 4/1/2002 | 10/1/1945 | 2007 | 154,886.10 | YES | 177,500.00 | - | - |
| 80 | 11/6/2000 | 10/30/1945 | 2001 | 75,481.79 | NO | 75,000.00 | 481.79 | 764.53 |
| 80 | 11/6/2000 | 10/30/1945 | 2002 | 75,481.79 | NO | 78,024.74 | - | - |
| 80 | 11/6/2000 | 10/30/1945 | 2003 | 75,481.79 | NO | 81,363.41 | - | - |
| 80 | 11/6/2000 | 10/30/1945 | 2004 | 75,481.79 | NO | 82,953.56 | - | - |
| 80 | 11/6/2000 | 10/30/1945 | 2005 | 75,481.79 | NO | 85,505.97 | - | - |
| 80 | 11/6/2000 | 10/30/1945 | 2006 | 75,481.79 | NO | 88,058.39 | - | - |
| 80 | 11/6/2000 | 10/30/1945 | 2007 | 75,481.79 | NO | 90,610.81 | - | - |
| 81 | 10/11/2003 | 3/5/1949 | 2004 | 166,581.16 | YES | 162,500.00 | 4,081.16 | 5,141.08 |
| 81 | 10/11/2003 | 3/5/1949 | 2005 | 166,581.16 | YES | 167,500.00 | - | - |
| 81 | 10/11/2003 | 3/5/1949 | 2006 | 166,581.16 | YES | 172,500.00 | - | - |
| 81 | 10/11/2003 | 3/5/1949 | 2007 | 166,581.16 | YES | 177,500.00 | - | - |
| 82 | 8/5/2000 | 9/1/1939 | 2001 | 97,643.62 | NO | 86,319.69 | 11,323.93 | 17,969.66 |
| 82 | 8/5/2000 | 9/1/1939 | 2002 | 97,643.62 | NO | 115,690.80 | - | - |
| 82 | 8/5/2000 | 9/1/1939 | 2003 | 97,643.62 | NO | 143,588.61 | - | - |
| 82 | 8/5/2000 | 9/1/1939 | 2004 | 97,643.62 | NO | 145,929.84 | - | - |
| 82 | 8/5/2000 | 9/1/1939 | 2005 | 97,643.62 | NO | 150,419.99 | - | - |
| 82 | 8/5/2000 | 9/1/1939 | 2006 | 97,643.62 | NO | 154,910.14 | - | - |
| 82 | 8/5/2000 | 9/1/1939 | 2007 | 97,643.62 | NO | 159,400.29 | - | - |
| 83 | 2/6/2004 | 1/1/1946 | 2004 | 165,203.49 | YES | 162,500.00 | 2,703.49 | 3,405.62 |
| 83 | 2/6/2004 | 1/1/1946 | 2005 | 165,203.49 | YES | 167,500.00 | - | - |
| 83 | 2/6/2004 | 1/1/1946 | 2006 | 165,203.49 | YES | 172,500.00 | - | - |
| 83 | 2/6/2004 | 1/1/1946 | 2007 | 165,203.49 | YES | 177,500.00 | - | - |
| 84 | 12/31/2002 | 12/1/1941 | 2003 | 163,616.96 | YES | 160,000.00 | 3,616.96 | 4,920.84 |
| 84 | 12/31/2002 | 12/1/1941 | 2004 | 163,616.96 | YES | 162,500.00 | 1,116.96 | 1,407.05 |
| 84 | 12/31/2002 | 12/1/1941 | 2005 | 163,616.96 | YES | 167,500.00 | - | - |
| 84 | 12/31/2002 | 12/1/1941 | 2006 | 163,616.96 | YES | 172,500.00 | - | - |
| 84 | 12/31/2002 | 12/1/1941 | 2007 | 163,616.96 | YES | 177,500.00 | - | - |
| 85 | 4/1/2002 | 2/7/1941 | 2002 | 158,193.67 | YES | 150,000.00 | 8,193.67 | 12,039.20 |
| 85 | 4/1/2002 | 2/7/1941 | 2003 | 158,193.67 | YES | 160,000.00 | - | - |
| 85 | 4/1/2002 | 2/7/1941 | 2004 | 158,193.67 | YES | 162,500.00 | - | - |
| 85 | 4/1/2002 | 2/7/1941 | 2005 | 158,193.67 | YES | 167,500.00 | - | - |
| 85 | 4/1/2002 | 2/7/1941 | 2006 | 158,193.67 | YES | 172,500.00 | - | - |
| 85 | 4/1/2002 | 2/7/1941 | 2007 | 158,193.67 | YES | 177,500.00 | - | - |
| 86 | 2/6/2004 | 6/15/1945 | 2004 | 163,573.22 | YES | 162,500.00 | 1,073.22 | 1,351.94 |
| 86 | 2/6/2004 | 6/15/1945 | 2005 | 163,573.22 | YES | 167,500.00 | - | - |
| 86 | 2/6/2004 | 6/15/1945 | 2006 | 163,573.22 | YES | 172,500.00 | - | - |
| 86 | 2/6/2004 | 6/15/1945 | 2007 | 163,573.22 | YES | 177,500.00 | - | - |

SDCERS Retroactive 415 Testing for VCP (2007)

| Member ID | Date of Retirement | Member DOB | 415 Limit Year | 415 Testing Benefit | Uniform?? (Yes/No) | Adjusted 415 Limit | Overpayments | |
|-----------|--------------------|------------|----------------|---------------------|--------------------|--------------------|-----------------|-----------------------------|
| | | | | | | | Amount Overpaid | Rolled Forward to 6/30/2007 |
| 87 | 11/23/2002 | 11/17/1946 | 2003 | 162,957.90 | YES | 160,000.00 | 2,957.90 | 4,024.19 |
| 87 | 11/23/2002 | 11/17/1946 | 2004 | 162,957.90 | YES | 162,500.00 | 457.90 | 576.82 |
| 87 | 11/23/2002 | 11/17/1946 | 2005 | 162,957.90 | YES | 167,500.00 | - | - |
| 87 | 11/23/2002 | 11/17/1946 | 2006 | 162,957.90 | YES | 172,500.00 | - | - |
| 87 | 11/23/2002 | 11/17/1946 | 2007 | 162,957.90 | YES | 177,500.00 | - | - |
| 88 | 3/31/2001 | 12/3/1943 | 2001 | 76,003.90 | NO | 75,000.00 | 1,003.90 | 1,593.07 |
| 88 | 3/31/2001 | 12/3/1943 | 2002 | 76,003.90 | NO | 87,931.01 | - | - |
| 88 | 3/31/2001 | 12/3/1943 | 2003 | 76,003.90 | NO | 101,130.32 | - | - |
| 88 | 3/31/2001 | 12/3/1943 | 2004 | 76,003.90 | NO | 102,982.98 | - | - |
| 88 | 3/31/2001 | 12/3/1943 | 2005 | 76,003.90 | NO | 106,151.69 | - | - |
| 88 | 3/31/2001 | 12/3/1943 | 2006 | 76,003.90 | NO | 109,320.40 | - | - |
| 88 | 3/31/2001 | 12/3/1943 | 2007 | 76,003.90 | NO | 112,489.10 | - | - |
| 89 | 4/1/2002 | 11/1/1941 | 2002 | 155,114.20 | YES | 150,000.00 | 5,114.20 | 7,514.44 |
| 89 | 4/1/2002 | 11/1/1941 | 2003 | 155,114.20 | YES | 160,000.00 | - | - |
| 89 | 4/1/2002 | 11/1/1941 | 2004 | 155,114.20 | YES | 162,500.00 | - | - |
| 89 | 4/1/2002 | 11/1/1941 | 2005 | 155,114.20 | YES | 167,500.00 | - | - |
| 89 | 4/1/2002 | 11/1/1941 | 2006 | 155,114.20 | YES | 172,500.00 | - | - |
| 89 | 4/1/2002 | 11/1/1941 | 2007 | 155,114.20 | YES | 177,500.00 | - | - |
| 90 | 11/10/2001 | 6/17/1945 | 2002 | 87,185.08 | NO | 83,667.46 | 3,517.62 | 5,168.53 |
| 90 | 11/10/2001 | 6/17/1945 | 2003 | 87,185.08 | NO | 92,625.37 | - | - |
| 90 | 11/10/2001 | 6/17/1945 | 2004 | 87,185.08 | NO | 94,367.63 | - | - |
| 90 | 11/10/2001 | 6/17/1945 | 2005 | 87,185.08 | NO | 97,271.25 | - | - |
| 90 | 11/10/2001 | 6/17/1945 | 2006 | 87,185.08 | NO | 100,174.87 | - | - |
| 90 | 11/10/2001 | 6/17/1945 | 2007 | 87,185.08 | NO | 103,078.48 | - | - |
| 91 | 3/31/2002 | 3/21/1944 | 2002 | 152,901.70 | YES | 150,000.00 | 2,901.70 | 4,263.55 |
| 91 | 3/31/2002 | 3/21/1944 | 2003 | 152,901.70 | YES | 160,000.00 | - | - |
| 91 | 3/31/2002 | 3/21/1944 | 2004 | 152,901.70 | YES | 162,500.00 | - | - |
| 91 | 3/31/2002 | 3/21/1944 | 2005 | 152,901.70 | YES | 167,500.00 | - | - |
| 91 | 3/31/2002 | 3/21/1944 | 2006 | 152,901.70 | YES | 172,500.00 | - | - |
| 91 | 3/31/2002 | 3/21/1944 | 2007 | 152,901.70 | YES | 177,500.00 | - | - |
| 92 | 3/29/1997 | 8/1/1932 | 1997 | 112,133.77 | NO | 107,482.41 | 4,651.36 | 10,041.94 |
| 92 | 3/29/1997 | 8/1/1932 | 1998 | 112,133.77 | NO | 111,869.44 | 264.33 | 528.40 |
| 92 | 3/29/1997 | 8/1/1932 | 1999 | 112,133.77 | NO | 114,062.96 | - | - |
| 92 | 3/29/1997 | 8/1/1932 | 2000 | 112,133.77 | NO | 116,256.48 | - | - |
| 92 | 3/29/1997 | 8/1/1932 | 2001 | 112,133.77 | NO | 120,643.52 | - | - |
| 92 | 3/29/1997 | 8/1/1932 | 2002 | 112,133.77 | NO | 141,418.52 | - | - |
| 92 | 3/29/1997 | 8/1/1932 | 2003 | 112,133.77 | NO | 160,000.00 | - | - |
| 92 | 3/29/1997 | 8/1/1932 | 2004 | 112,133.77 | NO | 162,500.00 | - | - |
| 92 | 3/29/1997 | 8/1/1932 | 2005 | 112,133.77 | NO | 167,500.00 | - | - |
| 92 | 3/29/1997 | 8/1/1932 | 2006 | 112,133.77 | NO | 172,500.00 | - | - |
| 92 | 3/29/1997 | 8/1/1932 | 2007 | 112,133.77 | NO | 177,500.00 | - | - |
| 93 | 6/30/2002 | 6/26/1941 | 2002 | 131,018.76 | NO | 116,632.29 | 14,386.47 | 21,138.45 |
| 93 | 6/30/2002 | 6/26/1941 | 2003 | 131,018.76 | NO | 144,750.41 | - | - |
| 93 | 6/30/2002 | 6/26/1941 | 2004 | 131,018.76 | NO | 147,103.75 | - | - |
| 93 | 6/30/2002 | 6/26/1941 | 2005 | 131,018.76 | NO | 151,630.02 | - | - |
| 93 | 6/30/2002 | 6/26/1941 | 2006 | 131,018.76 | NO | 156,156.29 | - | - |
| 93 | 6/30/2002 | 6/26/1941 | 2007 | 131,018.76 | NO | 160,682.56 | - | - |
| 94 | 11/20/2006 | 10/29/1951 | 2007 | 152,463.74 | NO | 90,975.43 | 61,488.31 | 61,488.31 |
| 95 | 10/30/2006 | 10/30/1951 | 2007 | 128,400.36 | NO | 90,464.97 | 37,935.39 | 37,935.39 |
| 96 | 1/31/2007 | 12/23/1943 | 2007 | 190,384.13 | NO | 177,500.00 | 12,884.13 | 12,884.13 |
| 97 | 9/21/2006 | 12/23/1943 | 2007 | 192,371.43 | YES | 177,500.00 | 14,871.43 | 14,871.43 |
| 98 | 3/24/2007 | 7/20/1948 | 2007 | 136,542.63 | NO | 127,955.35 | 8,587.28 | 8,587.28 |
| 99 | 4/6/2007 | 4/17/1951 | 2007 | 102,208.18 | NO | 98,948.37 | 3,259.81 | 3,259.81 |
| 100 | 6/2/2007 | 5/10/1952 | 2007 | 102,783.47 | NO | 90,999.74 | 11,783.73 | 11,783.73 |
| 101 | 1/20/2007 | 1/20/1952 | 2007 | 104,098.16 | NO | 90,464.97 | 13,633.19 | 13,633.19 |
| 102 | 11/14/2006 | 9/1/1951 | 2007 | 101,614.89 | NO | 92,239.43 | 9,375.46 | 9,375.46 |

| | |
|--------------|---------------------|
| Total | 8,160,027.01 |
|--------------|---------------------|

Attachment 3

**List: *SDCERS Retroactive 415 Testing for VCP
(2007); 102 members (11/13/2007), City Attorney's Own
Review**

* SDCERS Retroactive 415 Testing for VCP (2007)

| Member ID | Member DOB | Date of Retirement | 415 Limit Year | Overpayments Rolled Forward to 6/30/2007 |
|-----------|-------------------|--------------------|----------------|--|
| 1 | 9/7/1960 | 12/7/2004 | 2005 | 77,961.49 |
| 1 | 9/7/1960 | 12/7/2004 | 2006 | 71,108.53 |
| 1 | 9/7/1960 | 12/7/2004 | 2007 | 64,843.05 |
| 1 | 9/7/1960 | 12/7/2004 | 2007 | 213,913.07 |
| 2 | 12/2/1948 | 12/31/2005 | 2006 | 106,130.68 |
| 2 | 12/2/1948 | 12/31/2005 | 2007 | 95,175.85 |
| 2 | 12/2/1948 | 12/31/2005 | 2007 | 201,306.53 |
| 3 | 11/5/1949 | 11/5/2004 | 2005 | 68,038.05 |
| 3 | 11/5/1949 | 11/5/2004 | 2006 | 60,246.02 |
| 3 | 11/5/1949 | 11/5/2004 | 2007 | 53,235.04 |
| 3 | 11/5/1949 | 11/5/2004 | 2007 | 181,519.11 |
| 4 | 3/19/1945 | 4/27/2005 | 2005 | 131,500.01 |
| 4 | 3/19/1945 | 4/27/2005 | 2006 | 117,288.58 |
| 4 | 3/19/1945 | 4/27/2005 | 2007 | 104,461.00 |
| 4 | 3/19/1945 | 4/27/2005 | 2007 | 353,249.59 |
| 5 | 2/25/1947 | 4/22/2004 | 2004 | 89,994.24 |
| 5 | 2/25/1947 | 4/22/2004 | 2005 | 79,692.30 |
| 5 | 2/25/1947 | 4/22/2004 | 2006 | 70,422.77 |
| 5 | 2/25/1947 | 4/22/2004 | 2007 | 62,089.25 |
| 5 | 2/25/1947 | 4/22/2004 | 2007 | 302,198.56 |
| 6 | 8/31/1948 | 11/4/2004 | 2005 | 61,700.69 |
| 6 | 8/31/1948 | 11/4/2004 | 2006 | 54,059.28 |
| 6 | 8/31/1948 | 11/4/2004 | 2007 | 47,211.38 |
| 6 | 8/31/1948 | 11/4/2004 | 2007 | 162,971.35 |
| 7 | 11/11/1945 | 2/3/2006 | 2006 | 82,939.57 |
| 7 | 11/11/1945 | 2/4/2006 | 2007 | 72,604.25 |
| 7 | 11/11/1945 | 2/4/2006 | 2007 | 155,543.82 |
| 8 | 3/29/1947 | 7/20/2002 | 2003 | 37,657.88 |
| 8 | 3/29/1947 | 7/20/2002 | 2004 | 32,825.63 |
| 8 | 3/29/1947 | 7/20/2002 | 2005 | 27,333.09 |
| 8 | 3/29/1947 | 7/20/2002 | 2006 | 22,474.17 |
| 8 | 3/29/1947 | 7/20/2002 | 2007 | 18,185.09 |
| 8 | 3/29/1947 | 7/20/2002 | 2007 | 138,475.86 |
| 9 | 10/8/1949 | 12/18/2004 | 2005 | 38,766.11 |
| 9 | 10/8/1949 | 12/18/2004 | 2006 | 33,090.60 |
| 9 | 10/8/1949 | 12/18/2004 | 2007 | 28,043.21 |
| 9 | 10/8/1949 | 12/18/2004 | 2007 | 99,899.92 |
| 10 | 2/17/1948 | 10/11/2003 | 2004 | 56,905.66 |
| 10 | 2/17/1948 | 10/11/2003 | 2005 | 49,531.19 |
| 10 | 2/17/1948 | 10/11/2003 | 2006 | 42,937.00 |
| 10 | 2/17/1948 | 10/11/2003 | 2007 | 37,047.94 |
| 10 | 2/17/1948 | 10/11/2003 | 2007 | 186,421.79 |
| 11 | 9/11/1949 | 2/12/2005 | 2005 | 37,369.47 |
| 11 | 9/11/1949 | 2/12/2005 | 2006 | 31,737.53 |
| 11 | 9/11/1949 | 2/12/2005 | 2007 | 26,734.89 |
| 11 | 9/11/1949 | 2/12/2005 | 2007 | 95,841.89 |
| 12 | 10/23/1946 | 12/16/2003 | 2004 | 48,459.23 |
| 12 | 10/23/1946 | 12/16/2003 | 2005 | 41,237.90 |
| 12 | 10/23/1946 | 12/16/2003 | 2006 | 34,820.51 |
| 12 | 10/23/1946 | 12/16/2003 | 2007 | 29,127.58 |
| 12 | 10/23/1946 | 12/16/2003 | 2007 | 153,645.22 |
| 13 | 7/18/1948 | 4/15/2005 | 2005 | 26,202.20 |
| 13 | 7/18/1948 | 4/15/2005 | 2006 | 21,023.49 |
| 13 | 7/18/1948 | 4/15/2005 | 2007 | 16,468.23 |
| 13 | 7/18/1948 | 4/15/2005 | 2007 | 63,693.92 |
| 14 | 1/16/1951 | 1/17/2006 | 2006 | 17,683.53 |
| 14 | 1/16/1951 | 1/17/2006 | 2007 | 13,824.65 |
| 14 | 1/16/1951 | 1/17/2006 | 2007 | 31,508.18 |
| 15 | 3/15/1946 | 3/31/2001 | 2001 | 35,335.87 |
| 15 | 3/15/1946 | 3/31/2001 | 2002 | 28,112.47 |

SDCERS Retroactive 415 Testing for VCP (2007)

| Member ID | Member DOB | Date of Retirement | 415 Limit Year | Overpayments Rolled Forward to 6/30/2007 |
|-----------|------------|--------------------|----------------|--|
| 15 | 3/15/1946 | 3/31/2001 | 2003 | 21,338.78 |
| 15 | 3/15/1946 | 3/31/2001 | 2004 | 17,751.24 |
| 15 | 3/15/1946 | 3/31/2001 | 2005 | 13,451.20 |
| 15 | 3/15/1946 | 3/31/2001 | 2006 | 9,690.81 |
| 15 | 3/15/1946 | 3/31/2001 | 2007 | 6,413.70 |
| 15 | 3/15/1946 | 3/31/2001 | 2007 | 132,094.07 |
| 16 | 7/28/1947 | 3/9/2006 | 2006 | 41,441.42 |
| 16 | 7/28/1947 | 3/9/2006 | 2007 | 34,789.05 |
| 16 | 7/28/1947 | 3/9/2006 | 2007 | 76,230.47 |
| 17 | 9/28/1950 | 9/28/2005 | 2006 | 19,828.54 |
| 17 | 9/28/1950 | 9/28/2005 | 2007 | 15,811.45 |
| 17 | 9/28/1950 | 9/28/2005 | 2007 | 35,639.99 |
| 18 | 3/1/1947 | 7/24/2002 | 2003 | 15,242.58 |
| 18 | 3/1/1947 | 7/24/2002 | 2004 | 12,058.63 |
| 18 | 3/1/1947 | 7/24/2002 | 2005 | 8,078.85 |
| 18 | 3/1/1947 | 7/24/2002 | 2006 | 4,622.49 |
| 18 | 3/1/1947 | 7/24/2002 | 2007 | 1,633.86 |
| 18 | 3/1/1947 | 7/24/2002 | 2007 | 41,636.41 |
| 19 | 1/22/1951 | 12/31/2005 | 2006 | 36,409.12 |
| 19 | 1/22/1951 | 12/31/2005 | 2007 | 28,712.15 |
| 19 | 1/22/1951 | 12/31/2005 | 2007 | 65,121.27 |
| 20 | 3/2/1945 | 4/22/2004 | 2004 | 25,078.87 |
| 20 | 3/2/1945 | 4/22/2004 | 2005 | 18,827.50 |
| 20 | 3/2/1945 | 4/22/2004 | 2006 | 13,364.65 |
| 20 | 3/2/1945 | 4/22/2004 | 2007 | 8,607.81 |
| 20 | 3/2/1945 | 4/22/2004 | 2007 | 65,878.83 |
| 21 | 9/29/1947 | 5/28/2003 | 2003 | 23,821.27 |
| 21 | 9/29/1947 | 5/28/2003 | 2004 | 19,965.62 |
| 21 | 9/29/1947 | 5/28/2003 | 2005 | 15,323.46 |
| 21 | 9/29/1947 | 5/28/2003 | 2006 | 11,259.47 |
| 21 | 9/29/1947 | 5/28/2003 | 2007 | 7,713.48 |
| 21 | 9/29/1947 | 5/28/2003 | 2007 | 78,083.30 |
| 22 | 6/3/1945 | 4/22/2004 | 2004 | 27,320.20 |
| 22 | 6/3/1945 | 4/22/2004 | 2005 | 21,009.65 |
| 22 | 6/3/1945 | 4/22/2004 | 2006 | 15,484.09 |
| 22 | 6/3/1945 | 4/22/2004 | 2007 | 10,661.85 |
| 22 | 6/3/1945 | 4/22/2004 | 2007 | 74,475.79 |
| 23 | 7/10/1948 | 12/31/2005 | 2006 | 11,744.89 |
| 23 | 7/10/1948 | 12/31/2005 | 2007 | 7,661.29 |
| 23 | 7/10/1948 | 12/31/2005 | 2007 | 19,406.18 |
| 24 | 1/12/1946 | 7/17/2004 | 2005 | 31,397.14 |
| 24 | 1/12/1946 | 7/17/2004 | 2006 | 25,238.93 |
| 24 | 1/12/1946 | 7/17/2004 | 2007 | 19,820.78 |
| 24 | 1/12/1946 | 7/17/2004 | 2007 | 76,456.85 |
| 25 | 9/23/1949 | 1/29/2005 | 2005 | 9,150.54 |
| 25 | 9/23/1949 | 1/29/2005 | 2006 | 5,627.36 |
| 25 | 9/23/1949 | 1/29/2005 | 2007 | 2,575.94 |
| 25 | 9/23/1949 | 1/29/2005 | 2007 | 17,353.84 |
| 26 | 6/8/1950 | 9/16/2005 | 2006 | 8,658.82 |
| 26 | 6/8/1950 | 9/16/2005 | 2007 | 5,402.01 |
| 26 | 6/8/1950 | 9/16/2005 | 2007 | 14,060.83 |
| 27 | 3/24/1949 | 5/1/2004 | 2004 | 26,127.80 |
| 27 | 3/24/1949 | 5/1/2004 | 2005 | 18,360.41 |
| 27 | 3/24/1949 | 5/1/2004 | 2006 | 11,600.38 |
| 27 | 3/24/1949 | 5/1/2004 | 2007 | 5,741.09 |
| 27 | 3/24/1949 | 5/1/2004 | 2007 | 61,829.68 |
| 28 | 4/15/1949 | 1/1/2005 | 2005 | 9,788.54 |
| 28 | 4/15/1949 | 1/1/2005 | 2006 | 6,121.97 |
| 28 | 4/15/1949 | 1/1/2005 | 2007 | 2,944.89 |
| 28 | 4/15/1949 | 1/1/2005 | 2007 | 18,855.40 |

SDCERS Retroactive 415 Testing for VCP (2007)

| Member ID | Member DOB | Date of Retirement | 415 Limit Year | Overpayments Rolled Forward to 6/30/2007 |
|-----------|-------------------|--------------------|----------------|--|
| 29 | 8/7/1946 | 6/5/2004 | 2004 | 14,196.97 |
| 29 | 8/7/1946 | 6/5/2004 | 2005 | 7,313.34 |
| 29 | 8/7/1946 | 6/5/2004 | 2006 | 1,371.61 |
| 29 | 8/7/1946 | 6/5/2004 | 2007 | - |
| 29 | 8/7/1946 | 6/5/2004 | 2007 | 22,881.92 |
| 30 | 12/13/1946 | 7/6/2002 | 2003 | 7,990.53 |
| 30 | 12/13/1946 | 7/6/2002 | 2004 | 5,321.12 |
| 30 | 12/13/1946 | 7/6/2002 | 2005 | 1,792.49 |
| 30 | 12/13/1946 | 7/6/2002 | 2006 | - |
| 30 | 12/13/1946 | 7/6/2002 | 2007 | - |
| 30 | 12/13/1946 | 7/6/2002 | 2007 | 15,104.14 |
| 31 | 10/12/1949 | 10/13/2004 | 2005 | 5,949.68 |
| 31 | 10/12/1949 | 10/13/2004 | 2006 | 2,756.04 |
| 31 | 10/12/1949 | 10/13/2004 | 2007 | 2.90 |
| 31 | 10/12/1949 | 10/13/2004 | 2007 | 8,708.62 |
| 32 | 6/13/1943 | 9/17/2001 | 2002 | 19,864.04 |
| 32 | 6/13/1943 | 9/17/2001 | 2003 | - |
| 32 | 6/13/1943 | 9/17/2001 | 2004 | - |
| 32 | 6/13/1943 | 9/17/2001 | 2005 | - |
| 32 | 6/13/1943 | 9/17/2001 | 2006 | - |
| 32 | 6/13/1943 | 9/17/2001 | 2007 | - |
| 32 | 6/13/1943 | 9/17/2001 | 2007 | 19,864.04 |
| 33 | 5/13/1947 | 6/29/2005 | 2005 | 2,432.66 |
| 33 | 5/13/1947 | 6/29/2005 | 2006 | - |
| 33 | 5/13/1947 | 6/29/2005 | 2007 | - |
| 33 | 5/13/1947 | 6/29/2005 | 2007 | 2,432.66 |
| 34 | 10/30/1946 | 6/28/2003 | 2003 | 2,177.82 |
| 34 | 10/30/1946 | 6/28/2003 | 2004 | - |
| 34 | 10/30/1946 | 6/28/2003 | 2005 | - |
| 34 | 10/30/1946 | 6/28/2003 | 2006 | - |
| 34 | 10/30/1946 | 6/28/2003 | 2007 | - |
| 34 | 10/30/1946 | 6/28/2003 | 2007 | 2,177.82 |
| 35 | 1/20/1945 | 9/1/2004 | 2005 | 5,522.14 |
| 35 | 1/20/1945 | 9/1/2004 | 2006 | - |
| 35 | 1/20/1945 | 9/1/2004 | 2007 | - |
| 35 | 1/20/1945 | 9/1/2004 | 2007 | 5,522.14 |
| 36 | 1/3/1949 | 4/8/2006 | 2006 | 2,472.20 |
| 36 | 1/3/1949 | 4/8/2006 | 2007 | - |
| 36 | 1/3/1949 | 4/8/2006 | 2007 | 2,472.20 |
| 37 | 10/21/1950 | 3/1/2002 | 2002 | 4,726.26 |
| 37 | 1021/1950 | 3/1/2002 | 2003 | - |
| 37 | 10/21/1950 | 3/1/2002 | 2004 | - |
| 37 | 10/21/1950 | 3/1/2002 | 2005 | - |
| 37 | 10/21/1950 | 3/1/2002 | 2006 | - |
| 37 | 1021/1950 | 3/1/2002 | 2007 | - |
| 37 | 1021/1950 | 3/1/2002 | 2007 | 4,726.26 |
| 38 | 8/23/1944 | 2/2/2001 | 2001 | 185,309.58 |
| 38 | 8/23/1944 | 2/2/2001 | 2002 | 158,560.01 |
| 38 | 8/23/1944 | 2/2/2001 | 2003 | 134,362.68 |
| 38 | 8/23/1944 | 2/2/2001 | 2004 | 122,208.65 |
| 38 | 8/23/1944 | 2/2/2001 | 2005 | 109,755.18 |
| 38 | 8/23/1944 | 2/2/2001 | 2006 | 98,476.12 |
| 38 | 8/23/1944 | 2/2/2001 | 2007 | 88,265.79 |
| 38 | 8/23/1944 | 2/2/2001 | 2007 | 896,938.01 |
| 39 | 7/28/1969 | 7/29/2005 | 2006 | 9,164.19 |
| 39 | 7/28/1969 | 7/29/2005 | 2007 | 7,978.87 |
| 39 | 7/28/1969 | 7/29/2005 | 2007 | 17,143.06 |
| 40 | 3/1/1931 | 7/6/1991 | 1992 | 84,505.96 |
| 40 | 3/1/1931 | 7/6/1991 | 1993 | 78,246.26 |
| 40 | 3/1/1931 | 7/6/1991 | 1994 | 72,404.17 |

SDCERS Retroactive 415 Testing for VCP (2007)

| Member ID | Member DOB | Date of Retirement | 415 Limit Year | Overpayments Rolled Forward to 6/30/2007 |
|-----------|-------------------|--------------------|----------------|--|
| 40 | 3/1/1931 | 7/6/1991 | 1995 | 66,666.62 |
| 40 | 3/1/1931 | 7/6/1991 | 1996 | 61,421.30 |
| 40 | 3/1/1931 | 7/6/1991 | 1997 | 55,686.91 |
| 40 | 3/1/1931 | 7/6/1991 | 1998 | 49,368.12 |
| 40 | 3/1/1931 | 7/6/1991 | 1999 | 44,695.56 |
| 40 | 3/1/1931 | 7/6/1991 | 2000 | 39,214.86 |
| 40 | 3/1/1931 | 7/6/1991 | 2001 | 31,949.23 |
| 40 | 3/1/1931 | 7/6/1991 | 2002 | - |
| 40 | 3/1/1931 | 7/6/1991 | 2003 | - |
| 40 | 3/1/1931 | 7/6/1991 | 2004 | - |
| 40 | 3/1/1931 | 7/6/1991 | 2005 | - |
| 40 | 3/1/1931 | 7/6/1991 | 2006 | - |
| 40 | 3/1/1931 | 7/6/1991 | 2007 | - |
| 40 | 3/1/1931 | 7/6/1991 | 2007 | 584,158.99 |
| 41 | 11/1/1938 | 1/5/1993 | 1993 | 16,864.32 |
| 41 | 11/1/1938 | 1/5/1993 | 1994 | 6,668.91 |
| 41 | 11/1/1938 | 1/5/1993 | 1995 | 686.56 |
| 41 | 11/1/1938 | 1/5/1993 | 1996 | - |
| 41 | 11/1/1938 | 1/5/1993 | 1997 | - |
| 41 | 11/1/1938 | 1/5/1993 | 1998 | - |
| 41 | 11/1/1938 | 1/5/1993 | 1999 | - |
| 41 | 11/1/1938 | 1/5/1993 | 2000 | - |
| 41 | 11/1/1938 | 1/5/1993 | 2001 | - |
| 41 | 11/1/1938 | 1/5/1993 | 2002 | - |
| 41 | 11/1/1938 | 1/5/1993 | 2003 | - |
| 41 | 11/1/1938 | 1/5/1993 | 2004 | - |
| 41 | 11/1/1938 | 1/5/1993 | 2005 | - |
| 41 | 11/1/1938 | 1/5/1993 | 2006 | - |
| 41 | 11/1/1938 | 1/5/1993 | 2007 | - |
| 41 | 11/1/1938 | 1/5/1993 | 2007 | 24,219.79 |
| 42 | 4/24/1951 | 4/24/2006 | 2006 | 19,420.18 |
| 42 | 4/24/1951 | 4/24/2006 | 2007 | 15,433.34 |
| 42 | 4/24/1951 | 4/24/2006 | 2007 | 34,853.52 |
| 43 | 12/24/1969 | 7/26/2005 | 2006 | 2,971.11 |
| 43 | 12/24/1969 | 7/26/2005 | 2007 | 2,316.94 |
| 43 | 12/24/1969 | 7/26/2005 | 2007 | 5,288.05 |
| 44 | 5/9/1951 | 6/30/2006 | 2006 | 13,160.83 |
| 44 | 5/9/1951 | 6/30/2006 | 2007 | 9,602.72 |
| 44 | 5/9/1951 | 6/30/2006 | 2007 | 22,763.55 |
| 45 | 10/1/1940 | 10/31/1998 | 1999 | 46,415.70 |
| 45 | 10/1/1940 | 10/31/1998 | 2000 | 42,977.50 |
| 45 | 10/1/1940 | 10/31/1998 | 2001 | 39,793.98 |
| 45 | 10/1/1940 | 10/31/1998 | 2002 | 12,953.36 |
| 45 | 10/1/1940 | 10/31/1998 | 2003 | - |
| 45 | 10/1/1940 | 10/31/1998 | 2004 | - |
| 45 | 10/1/1940 | 10/31/1998 | 2005 | - |
| 45 | 10/1/1940 | 10/31/1998 | 2006 | - |
| 45 | 10/1/1940 | 10/31/1998 | 2007 | - |
| 45 | 10/1/1940 | 10/31/1998 | 2007 | 142,140.54 |
| 46 | 1/1/1940 | 12/7/1999 | 2000 | 99,044.57 |
| 46 | 1/1/1940 | 12/7/1999 | 2001 | 83,773.56 |
| 46 | 1/1/1940 | 12/7/1999 | 2002 | 59,201.51 |
| 46 | 1/1/1940 | 12/7/1999 | 2003 | 41,211.32 |
| 46 | 1/1/1940 | 12/7/1999 | 2004 | 35,009.35 |
| 46 | 1/1/1940 | 12/7/1999 | 2005 | 26,584.07 |
| 46 | 1/1/1940 | 12/7/1999 | 2006 | 19,214.88 |
| 46 | 1/1/1940 | 12/7/1999 | 2007 | 12,791.55 |
| 46 | 1/1/1940 | 12/7/1999 | 2007 | 376,830.81 |
| 47 | 10/1/1937 | 4/1/2002 | 2002 | 109,160.16 |
| 47 | 10/1/1937 | 4/1/2002 | 2003 | 87,469.33 |

SDCERS Retroactive 415 Testing for VCP (2007)

| Member ID | Member DOB | Date of Retirement | 415 Limit Year | Overpayments Rolled Forward to 6/30/2007 |
|-----------|------------------|--------------------|----------------|--|
| 47 | 10/1/1937 | 4/1/2002 | 2004 | 77,840.84 |
| 47 | 10/1/1937 | 4/1/2002 | 2005 | 66,242.85 |
| 47 | 10/1/1937 | 4/1/2002 | 2006 | 55,935.98 |
| 47 | 10/1/1937 | 4/1/2002 | 2007 | 46,792.57 |
| 47 | 10/1/1937 | 4/1/2002 | 2007 | 443,441.73 |
| 48 | 9/1/1950 | 9/1/2005 | 2006 | 8,371.36 |
| 48 | 9/1/1950 | 9/1/2005 | 2007 | 5,202.95 |
| 48 | 9/1/1950 | 9/1/2005 | 2007 | 13,574.31 |
| 49 | 12/1/1943 | 7/6/2000 | 2001 | 40,856.03 |
| 49 | 12/1/1943 | 7/6/2000 | 2002 | 23,800.13 |
| 49 | 12/1/1943 | 7/6/2000 | 2003 | 8,657.47 |
| 49 | 12/1/1943 | 7/6/2000 | 2004 | 5,792.27 |
| 49 | 12/1/1943 | 7/6/2000 | 2005 | 1,912.52 |
| 49 | 12/1/1943 | 7/6/2000 | 2006 | - |
| 49 | 12/1/1943 | 7/6/2000 | 2007 | - |
| 49 | 12/1/1943 | 7/6/2000 | 2007 | 81,018.42 |
| 50 | 10/6/1949 | 10/6/2004 | 2005 | 4,166.13 |
| 50 | 10/6/1949 | 10/6/2004 | 2006 | 1,105.36 |
| 50 | 10/6/1949 | 10/6/2007 | 2007 | - |
| 50 | 10/6/1949 | 10/6/2007 | 2007 | 5,271.49 |
| 51 | 9/15/1949 | 12/31/2005 | 2006 | 22,223.96 |
| 51 | 9/15/1949 | 12/31/2005 | 2007 | 17,702.27 |
| 51 | 9/15/1949 | 12/31/2005 | 2007 | 39,926.23 |
| 52 | 5/21/1945 | 5/21/2000 | 2000 | 23,902.98 |
| 52 | 5/21/1945 | 5/21/2007 | 2001 | 22,132.39 |
| 52 | 5/21/1945 | 5/21/2000 | 2002 | 16,145.57 |
| 52 | 5/21/1945 | 5/21/2000 | 2003 | 10,496.81 |
| 52 | 5/21/1945 | 5/21/2000 | 2004 | 7,718.40 |
| 52 | 5/21/1945 | 5/21/2000 | 2005 | 4,174.32 |
| 52 | 5/21/1945 | 5/21/2000 | 2006 | 1,112.94 |
| 52 | 5/21/1945 | 5/21/2000 | 2007 | - |
| 52 | 5/21/1945 | 5/21/2000 | 2007 | 85,683.41 |
| 53 | 2/20/1947 | 3/26/2004 | 2004 | 4,891.86 |
| 53 | 2/20/1947 | 3/26/2004 | 2005 | 914.54 |
| 53 | 2/20/1947 | 3/26/2004 | 2006 | - |
| 53 | 2/20/1947 | 3/26/2004 | 2007 | - |
| 53 | 2/20/1947 | 3/26/2004 | 2007 | 5,806.40 |
| 54 | 6/1/1941 | 12/31/1997 | 1998 | 17,348.91 |
| 54 | 6/1/1941 | 12/31/1997 | 1999 | 16,063.81 |
| 54 | 6/1/1941 | 12/31/1997 | 2000 | 14,873.89 |
| 54 | 6/1/1941 | 12/31/1997 | 2001 | 13,772.12 |
| 54 | 6/1/1941 | 12/31/1997 | 2002 | - |
| 54 | 6/1/1941 | 12/31/1997 | 2003 | - |
| 54 | 6/1/1941 | 12/31/1997 | 2004 | - |
| 54 | 6/1/1941 | 12/31/1997 | 2005 | - |
| 54 | 6/1/1941 | 12/31/1997 | 2006 | - |
| 54 | 6/1/1941 | 12/31/1997 | 2007 | - |
| 54 | 6/1/1941 | 12/31/1997 | 2007 | 62,058.73 |
| 55 | 6/18/1935 | 4/1/2002 | 2002 | 116,196.25 |
| 55 | 6/18/1935 | 4/1/2002 | 2003 | 74,556.80 |
| 55 | 6/18/1935 | 4/1/2002 | 2004 | 65,809.58 |
| 55 | 6/18/1935 | 4/1/2002 | 2005 | 54,116.37 |
| 55 | 6/18/1935 | 4/1/2002 | 2006 | 43,794.39 |
| 55 | 6/18/1935 | 4/1/2002 | 2007 | 34,704.67 |
| 55 | 6/18/1935 | 4/1/2002 | 2007 | 389,178.06 |
| 56 | 8/14/1947 | 9/9/2005 | 2006 | 3,306.96 |
| 56 | 8/14/1947 | 9/9/2005 | 2007 | - |
| 56 | 8/14/1947 | 9/9/2005 | 2007 | 3,306.96 |
| 57 | 4/24/1949 | 6/17/2006 | 2006 | 17,075.93 |
| 57 | 4/24/1949 | 6/17/2006 | 2007 | 12,697.41 |

SDCERS Retroactive 415 Testing for VCP (2007)

| Member ID | Member DOB | Date of Retirement | 415 Limit Year | Overpayments Rolled Forward to 6/30/2007 |
|-----------|------------------|--------------------|----------------|--|
| 57 | 4/24/1949 | 6/17/2006 | 2007 | 29,773.34 |
| 58 | 1/1/1943 | 2/3/1998 | 1998 | 24,554.90 |
| 58 | 1/1/1943 | 2/3/1998 | 1999 | 18,108.70 |
| 58 | 1/1/1943 | 2/3/1998 | 2000 | 12,482.75 |
| 58 | 1/1/1943 | 2/3/1998 | 2001 | 3,623.73 |
| 58 | 1/1/1943 | 2/3/1998 | 2002 | - |
| 58 | 1/1/1943 | 2/3/1998 | 2003 | - |
| 58 | 1/1/1943 | 2/3/1998 | 2004 | - |
| 58 | 1/1/1943 | 2/3/1998 | 2005 | - |
| 58 | 1/1/1943 | 2/3/1998 | 2006 | - |
| 58 | 1/1/1943 | 2/3/1998 | 2007 | - |
| 58 | 1/1/1943 | 2/3/1998 | 2007 | 58,770.08 |
| 59 | 2/27/1947 | 12/17/2005 | 2006 | 4,300.04 |
| 59 | 2/27/1947 | 12/17/2005 | 2007 | 333.67 |
| 59 | 2/27/1947 | 12/17/2005 | 2007 | 4,633.71 |
| 60 | 11/1/1935 | 2/25/1997 | 1997 | 22,622.58 |
| 60 | 11/1/1935 | 2/25/1997 | 1998 | 14,413.83 |
| 60 | 11/1/1935 | 2/25/1997 | 1999 | 10,321.61 |
| 60 | 11/1/1935 | 2/25/1997 | 2000 | 6,756.55 |
| 60 | 11/1/1935 | 2/25/1997 | 2001 | 1,069.95 |
| 60 | 11/1/1935 | 2/25/1997 | 2002 | - |
| 60 | 11/1/1935 | 2/25/1997 | 2003 | - |
| 60 | 11/1/1935 | 2/25/1997 | 2004 | - |
| 60 | 11/1/1935 | 2/25/1997 | 2005 | - |
| 60 | 11/1/1935 | 2/25/1997 | 2006 | - |
| 60 | 11/1/1935 | 2/25/1997 | 2007 | - |
| 60 | 11/1/1935 | 2/25/1997 | 2007 | 55,184.52 |
| 61 | 3/31/1943 | 5/25/2005 | 2005 | 22,672.39 |
| 61 | 3/31/1943 | 5/25/2005 | 2006 | 15,592.95 |
| 61 | 3/31/1943 | 5/25/2005 | 2007 | 9,437.92 |
| 61 | 3/31/1943 | 5/25/2005 | 2007 | 47,703.26 |
| 62 | 12/7/1929 | 1/6/1995 | 1995 | 109,310.88 |
| 62 | 12/7/1929 | 1/6/1995 | 1996 | 99,949.07 |
| 62 | 12/7/1929 | 1/6/1995 | 1997 | 87,666.11 |
| 62 | 12/7/1929 | 1/6/1995 | 1998 | 72,136.55 |
| 62 | 12/7/1929 | 1/6/1995 | 1999 | 62,609.87 |
| 62 | 12/7/1929 | 1/6/1995 | 2000 | 54,098.74 |
| 62 | 12/7/1929 | 1/6/1995 | 2001 | 42,918.53 |
| 62 | 12/7/1929 | 1/6/1995 | 2002 | 10,981.67 |
| 62 | 12/7/1929 | 1/6/1995 | 2003 | - |
| 62 | 12/7/1929 | 1/6/1995 | 2004 | - |
| 62 | 12/7/1929 | 1/6/1995 | 2005 | - |
| 62 | 12/7/1929 | 1/6/1995 | 2006 | - |
| 62 | 12/7/1929 | 1/6/1995 | 2007 | - |
| 62 | 12/7/1929 | 1/6/1995 | 2007 | 539,671.42 |
| 63 | 7/1/1941 | 4/1/1997 | 1997 | 6,526.36 |
| 63 | 7/1/1941 | 4/1/1997 | 1998 | 6,042.92 |
| 63 | 7/1/1941 | 4/1/1997 | 1999 | 5,595.30 |
| 63 | 7/1/1941 | 4/1/1997 | 2000 | 5,180.83 |
| 63 | 7/1/1941 | 4/1/1997 | 2001 | 4,797.07 |
| 63 | 7/1/1941 | 4/1/1997 | 2002 | - |
| 63 | 7/1/1941 | 4/1/1997 | 2003 | - |
| 63 | 7/1/1941 | 4/1/1997 | 2004 | - |
| 63 | 7/1/1941 | 4/1/1997 | 2005 | - |
| 63 | 7/1/1941 | 4/1/1997 | 2006 | - |
| 63 | 7/1/1941 | 4/1/1997 | 2007 | - |
| 63 | 7/1/1941 | 4/1/1997 | 2007 | 28,142.48 |
| 64 | 7/12/1948 | 12/31/2005 | 2006 | 7,623.31 |
| 64 | 7/12/1948 | 12/31/2005 | 2007 | 3,846.70 |
| 64 | 7/12/1948 | 12/31/2005 | 2007 | 11,470.01 |

SDCERS Retroactive 415 Testing for VCP (2007)

| Member ID | Member DOB | Date of Retirement | 415 Limit Year | Overpayments Rolled Forward to 6/30/2007 |
|-----------|-------------------|--------------------|----------------|--|
| 65 | 3/25/1950 | 9/2/2005 | 2006 | 17,431.02 |
| 65 | 3/25/1950 | 9/2/2005 | 2007 | 11,139.83 |
| 65 | 3/25/1950 | 9/2/2005 | 2007 | 28,570.85 |
| 66 | 4/1/1943 | 4/12/2003 | 2003 | 2,595.11 |
| 66 | 4/1/1943 | 4/12/2003 | 2004 | - |
| 66 | 4/1/1943 | 4/12/2003 | 2005 | - |
| 66 | 4/1/1943 | 4/12/2003 | 2006 | - |
| 66 | 4/1/1943 | 4/12/2003 | 2007 | - |
| 66 | 4/1/1943 | 4/12/2003 | 2007 | 2,595.11 |
| 67 | 8/6/1946 | 6/30/2004 | 2004 | 2,736.05 |
| 67 | 8/6/1946 | 6/30/2004 | 2005 | - |
| 67 | 8/6/1946 | 6/30/2004 | 2006 | - |
| 67 | 8/6/1946 | 6/30/2004 | 2007 | - |
| 67 | 8/6/1946 | 6/30/2004 | 2007 | 2,736.05 |
| 68 | 3/10/1945 | 4/18/2006 | 2006 | 38,817.95 |
| 68 | 3/10/1945 | 4/18/2006 | 2007 | 31,371.03 |
| 68 | 3/10/1945 | 4/18/2006 | 2007 | 70,188.98 |
| 69 | 3/10/1945 | 4/18/2006 | 1998 | 42,324.60 |
| 69 | 3/10/1945 | 4/18/2006 | 1999 | 35,176.52 |
| 69 | 3/10/1945 | 4/18/2006 | 2000 | 28,855.20 |
| 69 | 3/10/1945 | 4/18/2006 | 2001 | 19,836.90 |
| 69 | 3/10/1945 | 4/18/2006 | 2002 | - |
| 69 | 3/10/1945 | 4/18/2006 | 2003 | - |
| 69 | 3/10/1945 | 4/18/2006 | 2004 | - |
| 69 | 3/10/1945 | 4/18/2006 | 2005 | - |
| 69 | 3/10/1945 | 4/18/2006 | 2006 | - |
| 69 | 3/10/1945 | 4/18/2006 | 2007 | - |
| 69 | 3/10/1945 | 4/18/2006 | 2007 | 126,193.22 |
| 70 | 2/1/1943 | 3/30/2002 | 2002 | 26,474.31 |
| 70 | 2/1/1943 | 3/30/2002 | 2003 | 10,908.36 |
| 70 | 2/1/1943 | 3/30/2002 | 2004 | 6,951.05 |
| 70 | 2/1/1943 | 3/30/2002 | 2005 | 604.16 |
| 70 | 2/1/1943 | 3/30/2002 | 2006 | - |
| 70 | 2/1/1943 | 3/30/2002 | 2007 | - |
| 70 | 2/1/1943 | 3/30/2002 | 2007 | 44,937.88 |
| 71 | 10/26/1944 | 10/26/1999 | 2000 | 3,766.62 |
| 71 | 10/26/1944 | 10/26/1999 | 2001 | 3,487.61 |
| 71 | 10/26/1944 | 10/26/1999 | 2002 | - |
| 71 | 10/26/1944 | 10/26/1999 | 2003 | - |
| 71 | 10/26/1944 | 10/26/1999 | 2004 | - |
| 71 | 10/26/1944 | 10/26/1999 | 2005 | - |
| 71 | 10/26/1944 | 10/26/1999 | 2006 | - |
| 71 | 10/26/1944 | 10/26/1999 | 2007 | - |
| 71 | 10/26/1944 | 10/26/1999 | 2007 | 7,254.23 |
| 72 | 7/1/1933 | 1/19/1996 | 1996 | 42,023.10 |
| 72 | 7/1/1933 | 1/19/1996 | 1997 | 34,944.27 |
| 72 | 7/1/1933 | 1/19/1996 | 1998 | 25,011.30 |
| 72 | 7/1/1933 | 1/19/1996 | 1999 | 19,758.38 |
| 72 | 7/1/1933 | 1/19/1996 | 2000 | 15,146.45 |
| 72 | 7/1/1933 | 1/19/1996 | 2001 | 8,194.19 |
| 72 | 7/1/1933 | 1/19/1996 | 2002 | - |
| 72 | 7/1/1933 | 1/19/1996 | 2003 | - |
| 72 | 7/1/1933 | 1/19/1996 | 2004 | - |
| 72 | 7/1/1933 | 1/19/1996 | 2005 | - |
| 72 | 7/1/1933 | 1/19/1996 | 2006 | - |
| 72 | 7/1/1933 | 1/19/1996 | 2007 | - |
| 72 | 7/1/1933 | 1/19/1996 | 2007 | 145,077.69 |
| 73 | 6/1/1943 | 3/30/2002 | 2002 | 47,543.92 |
| 73 | 6/1/1943 | 3/30/2002 | 2003 | 30,417.25 |
| 73 | 6/1/1943 | 3/30/2002 | 2004 | 25,014.84 |

SDCERS Retroactive 415 Testing for VCP (2007)

| Member ID | Member DOB | Date of Retirement | 415 Limit Year | Overpayments Rolled Forward to 6/30/2007 |
|-----------|-------------------|--------------------|----------------|--|
| 73 | 6/1/1943 | 3/30/2002 | 2005 | 17,329.89 |
| 73 | 6/1/1943 | 3/30/2002 | 2006 | 10,646.20 |
| 73 | 6/1/1943 | 3/30/2002 | 2007 | 4,857.59 |
| 73 | 6/1/1943 | 3/30/2002 | 2007 | 135,809.69 |
| 74 | 7/31/1950 | 8/1/2005 | 2006 | 14,062.64 |
| 74 | 7/31/1950 | 8/1/2005 | 2007 | 8,020.96 |
| 74 | 7/31/1950 | 8/1/2005 | 2007 | 22,083.60 |
| 75 | 4/8/1947 | 1/28/2006 | 2066 | 21,182.91 |
| 75 | 4/8/1947 | 1/28/2006 | 2007 | 15,965.95 |
| 75 | 4/8/1947 | 1/28/2006 | 2007 | 37,148.86 |
| 76 | 7/4/1949 | 10/10/2005 | 2006 | 4,236.13 |
| 76 | 7/4/1949 | 10/10/2005 | 2007 | 1,054.49 |
| 76 | 7/4/1949 | 10/10/2005 | 2007 | 5,290.62 |
| 77 | 11/1/1944 | 11/15/2002 | 2003 | 12,824.73 |
| 77 | 11/1/1944 | 11/15/2002 | 2004 | 8,725.47 |
| 77 | 11/1/1944 | 11/15/2002 | 2005 | 2,247.13 |
| 77 | 11/1/1944 | 11/15/2002 | 2006 | - |
| 77 | 11/1/1944 | 11/15/2002 | 2007 | - |
| 77 | 11/1/1944 | 11/15/2002 | 2007 | 23,797.33 |
| 78 | 11/14/1951 | 6/30/2006 | 2006 | 10,562.80 |
| 78 | 11/14/1951 | 6/30/2006 | 2007 | 4,780.37 |
| 78 | 11/14/1951 | 6/30/2006 | 2007 | 15,343.17 |
| 79 | 10/1/1945 | 4/1/2002 | 2002 | 7,179.28 |
| 79 | 10/1/1945 | 4/1/2002 | 2003 | - |
| 79 | 10/1/1945 | 4/1/2002 | 2004 | - |
| 79 | 10/1/1945 | 4/1/2002 | 2005 | - |
| 79 | 10/1/1945 | 4/1/2002 | 2006 | - |
| 79 | 10/1/1945 | 4/1/2002 | 2007 | - |
| 79 | 10/1/1945 | 4/1/2002 | 2007 | 7,179.28 |
| 80 | 10/30/1945 | 11/6/2000 | 2001 | 764.53 |
| 80 | 10/30/1945 | 11/6/2000 | 2002 | - |
| 80 | 10/30/1945 | 11/6/2000 | 2003 | - |
| 80 | 10/30/1945 | 11/6/2000 | 2004 | - |
| 80 | 10/30/1945 | 11/6/2000 | 2005 | - |
| 80 | 10/30/1945 | 11/6/2000 | 2006 | - |
| 80 | 10/30/1945 | 11/6/2000 | 2007 | - |
| 80 | 10/30/1945 | 11/6/2000 | 2007 | 764.53 |
| 81 | 3/5/1949 | 10/11/2003 | 2004 | 5,141.08 |
| 81 | 3/5/1949 | 10/11/2003 | 2005 | - |
| 81 | 3/5/1949 | 10/11/2003 | 2006 | - |
| 81 | 3/5/1949 | 10/11/2003 | 2007 | - |
| 81 | 3/5/1949 | 10/11/2003 | 2007 | 5,141.08 |
| 82 | 9/1/1939 | 8/5/2000 | 2001 | 17,969.66 |
| 82 | 9/1/1939 | 8/5/2000 | 2002 | - |
| 82 | 9/1/1939 | 8/5/2000 | 2003 | - |
| 82 | 9/1/1939 | 8/5/2000 | 2004 | - |
| 82 | 9/1/1939 | 8/5/2000 | 2005 | - |
| 82 | 9/1/1939 | 8/5/2000 | 2006 | - |
| 82 | 9/1/1939 | 8/5/2000 | 2007 | - |
| 82 | 9/1/1939 | 8/5/2000 | 2007 | 17,969.66 |
| 83 | 1/1/1946 | 2/6/2004 | 2004 | 3,405.62 |
| 83 | 1/1/1946 | 2/6/2004 | 2005 | - |
| 83 | 1/1/1946 | 2/6/2004 | 2006 | - |
| 83 | 1/1/1946 | 2/6/2004 | 2007 | - |
| 83 | 1/1/1946 | 2/6/2004 | 2007 | 3,405.62 |
| 84 | 12/1/1941 | 12/31/2002 | 2003 | 4,920.84 |
| 84 | 12/1/1941 | 12/31/2002 | 2004 | 1,407.05 |
| 84 | 12/1/1941 | 12/31/2002 | 2005 | - |
| 84 | 12/1/1941 | 12/31/2002 | 2006 | - |
| 84 | 12/1/1941 | 12/31/2002 | 2007 | - |

SDCERS Retroactive 415 Testing for VCP (2007)

| Member ID | Member DOB | Date of Retirement | 415 Limit Year | Overpayments Rolled Forward to 6/30/2007 |
|-----------|-------------------|--------------------|----------------|--|
| 84 | 12/1/1941 | 12/31/2002 | 2007 | 6,327.89 |
| 85 | 2/7/1941 | 4/1/2002 | 2002 | 12,039.20 |
| 85 | 2/7/1941 | 4/1/2002 | 2003 | - |
| 85 | 2/7/1941 | 4/1/2002 | 2004 | - |
| 85 | 2/7/1941 | 4/1/2002 | 2005 | - |
| 85 | 2/7/1941 | 4/1/2002 | 2006 | - |
| 85 | 2/7/1941 | 4/1/2002 | 2007 | - |
| 85 | 2/7/1941 | 4/1/2002 | 2007 | 12,039.20 |
| 86 | 6/15/1945 | 2/6/2004 | 2004 | 1,351.94 |
| 86 | 6/15/1945 | 2/6/2004 | 2005 | - |
| 86 | 6/15/1945 | 2/6/2004 | 2006 | - |
| 86 | 6/15/1945 | 2/6/2004 | 2007 | - |
| 86 | 6/15/1945 | 2/6/2004 | 2007 | 1,351.94 |
| 87 | 11/17/1946 | 11/23/2002 | 2003 | 4,024.19 |
| 87 | 11/17/1946 | 11/23/2002 | 2004 | 576.82 |
| 87 | 11/17/1946 | 11/23/2002 | 2005 | - |
| 87 | 11/17/1946 | 11/23/2002 | 2006 | - |
| 87 | 11/17/1946 | 11/23/2002 | 2007 | - |
| 87 | 11/17/1946 | 11/23/2002 | 2007 | 4,601.01 |
| 88 | 12/3/1943 | 3/31/2001 | 2001 | 1,593.07 |
| 88 | 12/3/1943 | 3/31/2001 | 2002 | - |
| 88 | 12/3/1943 | 3/31/2001 | 2003 | - |
| 88 | 12/3/1943 | 3/31/2001 | 2004 | - |
| 88 | 12/3/1943 | 3/31/2001 | 2005 | - |
| 88 | 12/3/1943 | 3/31/2001 | 2006 | - |
| 88 | 12/3/1943 | 3/31/2001 | 2007 | - |
| 88 | 12/3/1943 | 3/31/2001 | 2007 | 1,593.07 |
| 89 | 11/1/1941 | 4/1/2002 | 2002 | 7,514.44 |
| 89 | 11/1/1941 | 4/1/2002 | 2003 | - |
| 89 | 11/1/1941 | 4/1/2002 | 2004 | - |
| 89 | 11/1/1941 | 4/1/2002 | 2005 | - |
| 89 | 11/1/1941 | 4/1/2002 | 2006 | - |
| 89 | 11/1/1941 | 4/1/2002 | 2007 | - |
| 89 | 11/1/1941 | 4/1/2002 | 2007 | 7,514.44 |
| 90 | 6/17/1945 | 11/10/2001 | 2002 | 5,168.53 |
| 90 | 6/17/1945 | 11/10/2001 | 2003 | - |
| 90 | 6/17/1945 | 11/10/2001 | 2004 | - |
| 90 | 6/17/1945 | 11/10/2001 | 2005 | - |
| 90 | 6/17/1945 | 11/10/2001 | 2006 | - |
| 90 | 6/17/1945 | 11/10/2001 | 2007 | - |
| 90 | 6/17/1945 | 11/10/2001 | 2007 | 5,168.53 |
| 91 | 3/21/1944 | 3/31/2002 | 2002 | 4,263.55 |
| 91 | 3/21/1944 | 3/31/2002 | 2003 | - |
| 91 | 3/21/1944 | 3/31/2002 | 2004 | - |
| 91 | 3/21/1944 | 3/31/2002 | 2005 | - |
| 91 | 3/21/1944 | 3/31/2002 | 2006 | - |
| 91 | 3/21/1944 | 3/31/2002 | 2007 | - |
| 91 | 3/21/1944 | 3/31/2002 | 2007 | 4,263.55 |
| 92 | 8/1/1932 | 3/29/1997 | 1997 | 10,041.94 |
| 92 | 8/1/1932 | 3/29/1997 | 1998 | 528.40 |
| 92 | 8/1/1932 | 3/29/1997 | 1999 | - |
| 92 | 8/1/1932 | 3/29/1997 | 2000 | - |
| 92 | 8/1/1932 | 3/29/1997 | 2001 | - |
| 92 | 8/1/1932 | 3/29/1997 | 2002 | - |
| 92 | 8/1/1932 | 3/29/1997 | 2003 | - |
| 92 | 8/1/1932 | 3/29/1997 | 2004 | - |
| 92 | 8/1/1932 | 3/29/1997 | 2005 | - |
| 92 | 8/1/1932 | 3/29/1997 | 2006 | - |
| 92 | 8/1/1932 | 3/29/1997 | 2007 | - |
| 92 | 8/1/1932 | 3/29/1997 | 2007 | 10,570.34 |

SDCERS Retroactive 415 Testing for VCP (2007)

| Member ID | Member DOB | Date of Retirement | 415 Limit Year | Overpayments Rolled Forward to 6/30/2007 |
|-------------|------------|--------------------|----------------|--|
| 93 | 6/26/1941 | 6/30/2002 | 2002 | 21,138.45 |
| 93 | 6/26/1941 | 6/30/2002 | 2003 | - |
| 93 | 6/26/1941 | 6/30/2002 | 2004 | - |
| 93 | 6/26/1941 | 6/30/2002 | 2005 | - |
| 93 | 6/26/1941 | 6/30/2002 | 2006 | - |
| 93 | 6/26/1941 | 6/30/2002 | 2007 | - |
| 93 | 6/26/1941 | 6/30/2002 | 2007 | 21,138.45 |
| 94 | 10/29/1951 | 11/20/2006 | 2007 | 61,488.31 |
| 95 | 10/30/1951 | 10/30/2006 | 2007 | 37,935.39 |
| 96 | 12/23/1943 | 1/31/2007 | 2007 | 12,884.13 |
| 97 | 12/23/1943 | 9/21/2006 | 2007 | 14,871.43 |
| 98 | 7/20/1948 | 3/24/2007 | 2007 | 8,587.28 |
| 99 | 4/17/1951 | 4/6/2006 | 2007 | 3,259.81 |
| 100 | 5/10/1952 | 6/2/2007 | 2007 | 11,783.73 |
| 101 | 1/20/1952 | 1/20/2007 | 2007 | 13,633.19 |
| 102 | 9/1/1951 | 11/14/2006 | 2007 | 9,375.46 |
| Grand Total | | | | 8,160,027.00 |

Attachment 4

**Letter: IceMiller LLP, August 22, 2007: VCP
Submission #911659038 for the San Diego City
Employees' Retirement System; 415 Testing**

August 22, 2007

WRITER'S DIRECT NUMBER: (317) 236-2413

DIRECT FAX: (317) 592-4616

INTERNET: BRITMAN@ICEMILLER.COM

WRITER'S DIRECT NUMBER: (317) 236-2110

DIRECT FAX: (317) 592-4713

INTERNET: TERRY.MUMFORD@ICEMILLER.COM

WRITER'S DIRECT NUMBER: (317) 236-2468

DIRECT FAX: (317) 592-4702

INTERNET: KATRINA.CLINGERMAN@ICEMILLER.COM

VIA EMAIL AND U.S. MAIL

Ms. Joyce Kahn
Manager, EP Voluntary Compliance
Mr. Joseph Grant
Director of Employee Plans
Mr. James E. Holland
Manager, EP Technical
Ms. Maxine B. Terry
Program Coordinator
Mr. Andrew Zuckerman
Director of Rulings and Agreements
Internal Revenue Service
SE:T:EP:RA:VC, PE-4L2
1111 Constitution Avenue, NW
Washington, DC 20224

Mr. Paul C. Hogan
Internal Revenue Agent/EP Specialist - ID# 91-07322
Internal Revenue Service
TE/GE:EP:VC 7554
915 Second Avenue, Mailstop 510
Seattle, WA 98174-1001

Re: VCP Submission #911659038 for the San Diego City Employees' Retirement System

Dear Ladies and Gentlemen:

The purpose of this letter is to reflect the remaining items from our July 10, 2007 meeting.

415 Testing

Enclosed you will find a new print reflecting the revised 415 retroactive testing. This chart shows that 102 participants have at some point in their retirement exceeded the 415 limit.

For that group, the chart shows each year post-retirement and the amount the benefits exceeded the limit that year (if at all). Those amounts have been run out through 6/30/07. Subsequent years' excess benefits (from July 1, 2007) will be billed to the City on the timetable required in the Preservation of Benefits Plan.

We have also enclosed a new Exhibit A showing the revised retrospective testing methodology. You will notice this assumes the IRS accepts the DROP ordering concept (DROP benefits paid count first toward 415(b) limit, monthly annuity benefits paid count second toward 415(b) limit) and the use of SDCERS's assumption of 8% to adjust the benefit forms. We have also enclosed a new Exhibit 2, revised to reflect the Final Regulations and other comments provided during our meeting on July 10th.

The total excess benefits, with interest to 6/30/07, total \$8,160,027.

Presidential Leave

In our August 6, 2007 submission, we noted that we needed to confirm Mr. Farrar's benefit if union salary is not used. That amount is \$3,858.38, for a total of \$1,839.23 per month loss.

As to the Collins and Farrar employee contributions, Mr. Collins has confirmed that his contributions were deducted on a pre-tax basis. We have been unable to reach Mr. Farrar to obtain similar confirmation, although SDCERS will assume, for purposes of its reporting obligations, that the answer is the same, as both served with the same union.

Cashless Leave Conversion

We recognize that the IRS does not accept our initial proposed resolution on this issue, *i.e.* billing the City of the cost of the service granted. Consequently, with respect to the cashless leave conversion issue, we would like to propose that rather than billing the City for the cost of the leave granted under this program, SDCERS will provide the affected individuals with the opportunity to either pay for the service credit obtained through the conversion or forfeit that service credit. Members who choose to pay for the service granted would be treated, pursuant to SDCERS normal administrative procedure, in the same manner as members who have underpaid for a service purchase due to an administrative error. That is, those members would be permitted to pay an amount calculated as of the time of the original purchase. The affected members could choose the manner in which they wish to finance the payment (*i.e.*, a rollover, a transfer, or after-tax installment payments). Obviously, the one affected member who has already retired would be unable to pay in a manner which would result in annual additions under Code Section 415(c), but would be offered the opportunity to rollover or transfer to make the purchase.

The affected members would then be free to reach an independent agreement with the City regarding the value of the leave surrendered in exchange for SDCERS service credit. We believe this approach would result in the elimination of the cashless leave conversion, both

Ms. Joyce Kahn
August 22, 2007
Page 3

retroactively in practice and prospectively due to the amendments contained in the Technical Compliance Ordinance, but without causing undue injury to the affected members.

Settlement Amounts

We have enclosed a schedule showing the Settlement Amounts as well as the amounts above the ARC the City has been paying since the VCP filings started.

Draft VCP Compliance Statement

We have enclosed a draft of an insert to the compliance statement for your consideration.

Comments on Technical Compliance Ordinance

We are waiting for comments from Mr. Hogan on the Technical Compliance Ordinance, which is critical because it resolves all of the plan design failures raised in SDCERS' filings. We look forward to receiving those.


We hope this is helpful to you in considering this final resolution to our submissions.

Very truly yours,

ICE MILLER LLP


Mary Beth Braitman


Terry A.M. Mumford


Katrina M. Clingerman

MBB/KMC:mlf/kwc

cc: David Wescoe
Roxanne Story Parks
Bob Wilson
Chris Waddell
David Arce
Ken Kent
Gene Kalwarski

Attachment 5

Letter: San Diego City Employees' Retirement System, November 7, 2007, From Roxanne Story Parks to Michael J. Aguirre; "Your Request for Public Records dated November 5, 2007"-- The names of the 29 participants who received overpayments in excess of the Code section 415(b) limits.



Roxanne Story Parks

Chief Compliance Officer
(619) 525-3644
e-mail: RParks@sanidiego.gov

November 7, 2007

Michael J. Aguirre
City Attorney
1200 Third Avenue, Suite 1620
San Diego, CA 92101

Subject: Your Request for Public Records dated November 5, 2007

Dear Mr. Aguirre:

On November 5, your office hand-delivered a letter to me requesting that SDCERS provide you with:

The names of the '29 participants who received overpayments in excess of the Code section 415(b) limits,'
referred to in the **bolded** paragraph, on page 1 of the letter
from Ice Miller to Paul Hogan, dated March 20, 2007.

Pursuant to Government Code section 6253(c), following are the names responsive to your request. The list includes two retired Port employees: Manuel Aceves and Gay Nay.

Manuel Aceves
Ernest Anderson
Harold Bromfield
Gary Easton
Keith Enerson
Daniel Gonzalez
Casey Gwinn
Thomas Hall
Richard Hays
Helen Heim
Bruce Herring
Deborah Hollingsworth
David James
Kent Lewis
George Loveland

Marcia McLatchy
Paulette Mormino
Gay Nay
Robert Osby
Philip Phillips
Eugene Ruzzini
Anthony Shanley
C. Alan Sumption
Stuart Swett
Robert Thorburn
Jane Vickers
Margaret Watson
Terri Williams
Paul Ybarrondo

Michael J. Aguirre
November 7, 2007
Page 2

Please note that while the payments in excess of Internal Revenue Code section 415(b) limits are referred to as "overpayments" in SDCERS' IRS filings, that refers only to the amount of an otherwise proper benefit payment that exceeds the IRS limit for payments from a qualified plan. All of the 29 participants have received only the benefits they were entitled to under their respective retirement plans.

I would also like to correct a misstatement in an e-mail we received from Doug Sensabaugh on November 5. He stated that your office requested the 29 names 17 days earlier (i.e., on October 19). He is incorrect. On October 18, your office requested:

The names of all participants in the Preservation of Benefit Plan, from its inception until today.

And, on October 19, your office requested:

The names of all City of San Diego retirees or beneficiaries who are considered part of the group of individuals who are potential recipients of the "\$20 million" liabilities "not part of SDCERS' unfunded actuarial liabilities (UAL).

These requests sought different information than your November 5 request. SDCERS responded fully and accurately to both requests on October 29. A copy of that response is attached.

Sincerely,



Roxanne Story Parks
Chief Compliance Officer

RSP/mrh

Attachment

Attachment 6

List: City Attorney's list of 29 participants with names and departments who received overpayment in excess of the Code section 415(b) limits.

**THE NAMES OF THE 29 PARTICIPANTS WHO RECEIVED
OVERPAYMENTS IN EXCESS OF THE CODE SECTION 415 (B) LIMITS
City Attorney Identified Positions with Names**

Manuel Aceves, Port of San Diego
Ernest Anderson, General Services Director
Harold Bromfield, Deputy City Attorney
Gary Easton
Keith Ernerson, Assistant Police Chief
Daniel Gonzalez, Transportation Director
Casey Gwinn, City Attorney
Thomas Hall
Richard Hays, Environmental Services Director
Helen Heim, Environmental Services
Bruce Herring, Deputy City Manager
Deborah Hollingsworth, Deputy City Attorney
David James, Deputy City Attorney
Kent Lewis
George Loveland, Senior Deputy City Manager
Marcia McLatchy, Park & Recreation Director
Paulette Mormino, Water Department
Gay Nay, Port of San Diego
Robert Osby, SD Fire Chief
Philip Phillips, Account Manager
Eugene Ruzzini, Auditor's Department
Anthony Shanley, Deputy City Attorney
C. Alan Sumption, Deputy City Attorney
Stuart Swett, Deputy City Attorney
Robert Thorburn
Jane Vickers
Margaret Watson, Human Resources Department
Terri Williams, Park & Recreation Manager
Paul Ybarrondo

Attachment 7

**Letter: San Diego City Employees' Retirement System,
October 29, 2007, From Roxanne Story Parks to
Michael J. Aguirre; "October 18 and October 19, 2007,
Public Records Requests"**

SDCERS

San Diego City Employees' Retirement System

Roxanne Story Parks

Chief Compliance Officer
(619) 525-3644
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October 29, 2007

Michael J. Aguirre, Esq.
City Attorney
Civic Center Plaza
1200 Third Avenue, Suite 1620
San Diego, CA 92101

Dear Mr. Aguirre:

Subject: October 18 and October 19, 2007, Public Records Requests

I am writing in response to your letters, dated October 18 and October 19, 2007, in which you requested:

1. "The names of all participants in the Preservation of Benefit Plan, from it's [sic] inception until today."
2. "The names of all City of San Diego retirees or beneficiaries who are considered part of the group of individuals who are potential recipients of the "\$20 million" liabilities "not part of SDCERS' unfunded actuarial liabilities (UAL)."

In response to your first request, as of this date, there are no "participants" in the City's Preservation of Benefit Plan (POB Plan). No current or past retiree or beneficiary has been paid any amount from, and the City has not yet deposited any funds into, the POB Plan.

In his August 14, 2007 letter, Gene Kalwarski noted that "Approximately \$20 million of the \$140 million liabilities is not part of SDCERS' Unfunded Actuarial Liability (UAL) as of June 30, 2006." Twenty million dollars represents the present value of the actuarial liability of future retirement benefits above the 415(b) limits that will be due to active and retired members who have purchased service credits. Of this, \$17 million relates to active members, and \$3 million relates to retired members.

It is impossible to identify individual active members who will exceed the 415(b) limits in the future. To determine whether an individual payee will exceed the 415(b) limits,

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SDCERS must know the member's age, final compensation and amount of service credit at retirement, the 415(b) dollar limit in effect at retirement, the exact amount of the member's combined benefits (including the member's DROP account balance, if any), and the amount of the member's pre-tax and post-tax contributions.

In addition, SDCERS does not have a list of retirees comprising the \$3 million projection of future actuarial liability (above the 415(b) limits for retirees who purchased service credit). Developing calculations by individual was not within the scope of work Cheiron was asked to perform. Rather, Cheiron's projections of excess liabilities expected to occur in the future are based on the long-term actuarial assumptions stated in Cheiron's June 30, 2006 Valuation Report.

Please contact me if you have any questions.

Sincerely,



Roxanne Story Parks
Chief Compliance Officer

RSP/mrh